



# *CITY COUNCIL*

## ***Work Session***

***Work Session  
Penn Room***

***Monday, April 21, 2008  
7:00 P.M.***

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|---|------------------|
| <b>I. Call To Order</b>   | <b>7:00 p.m.</b> |
| <b>II. Managing Directors Report</b>  | <b>7:05 p.m.</b> |
| <b>III. Report from Stadium Commission</b>  | <b>7:15 p.m.</b> |
| <b>IV. Updates from Administration</b>  | <b>7:35 p.m.</b> |
| <ul style="list-style-type: none"><li>- Status of reprogrammed CDBG Funds</li><li>- Update Berkshire Bottling</li><li>- Update African American Museum</li></ul>    |                  |
| <b>V. LRA - Naval Marine Center</b>   | <b>8:00 p.m.</b> |
| <ul style="list-style-type: none"><li>- LRA process</li><li>- Legislation to create and appoint to the LRA</li><li>- Organizational principles of the LRA</li></ul> |                  |

## The LRA – from Garry Gontz at the OEA

Communities creating an organization to respond to the availability of property need to be aware of the parameters for the organization described in Public Law 101-510. The statute defines the organization as follows:

any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

There is no single “right” organizational structure, but there are **guidelines to ensure that interested parties are invited to participate and work together**. While no two communities are alike, a community’s success at overcoming the impacts of the closure and transitioning the former installation to civilian use is often determined by how well the community organizes its response

**32 CFR Part 175.7 (d) further defines “Local Redevelopment Authority (LRA)” and “redevelopment plan” as follows: 1**

- (1) The LRA should have broad-based membership, including, but not limited to, representatives from those jurisdictions with zoning authority over the property. Generally, there will be one recognized LRA per installation.
- (2) The LRA should focus primarily on developing a comprehensive redevelopment plan based upon local needs. The plan should recommend land uses based upon an exploration of feasible reuse alternatives. If applicable, the plan should consider notices of interest received under the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Pub. L. 103-421). This section shall not be construed to require a plan that is enforceable under state and local land use laws, nor is it intended to create any exemption from such laws.

### Establishing the LRA

Ultimately, State and/or local governmental interests must ensure that the organization they designate has the political and financial support to carry out their objectives. **How much authority should the organization have?** Often, the authority of the LRA is only advisory. However, it could have specific purposes, prescribed by local ordinance or State law. These purposes might include base reuse planning, base redevelopment, and/or base management and operations. If the implementation responsibilities are vested in legally established entities, such as an airport, port, or economic development

authority, or in existing agencies of local or State government, the mandates and authorities may already be established. However, established entities may need to augment their power or authority to undertake broader economic adjustment tasks.

Where multiple governmental jurisdictions are involved, States may need to pass legislation to enable the creation of a multijurisdictional entity (e.g., joint powers authority, as in California).

In some locales where only a small parcel of property is to be made available for civilian reuse, a city or county could function as the LRA. Designating the city or county as the LRA may also be appropriate when reuse alternatives are straightforward and the city or county has the capacity to perform the LRA functions.

**The LRA must be an authority or instrumentality established by State or local government.** The letter to OEA requesting recognition must be signed by the chief elected official(s) of the jurisdiction(s) where the base is located, indicating the jurisdiction's or jurisdictions' agreement on and accountability for the LRA. Where multiple governmental units are involved, an interjurisdictional memorandum of agreement should be drafted to clarify the lead jurisdiction, as well as the governmental sponsor for grant assistance as necessary.

**Who should be involved in the LRA?** The makeup of the LRA should reflect a cross section of public and private leadership, be diverse, and represent community perspectives. The LRA should be composed of dedicated, capable individuals who know how to get a job done quickly, have a record of accomplishment, and have the community's best interests at heart. They should be respected individuals, devoid of personal agendas and conflicts of interest, who will contribute and serve as emissaries for the LRA back to the community.

The local government(s) of the affected area should take the lead to ensure a credible, representative group. A local government may designate itself as the LRA. Where appropriate, a local government may decide to use existing organizations, such as a chamber of commerce, area-wide planning/development council, local economic development organization, or special authority (e.g., airport, port). Or a new, often temporary or transitional, economic adjustment council, task force, or steering committee will be created.

**The planning LRA should include the major stakeholders**—both those affected by the DoD action and those with an interest in the eventual redevelopment of the property. While the planning LRA may not be the same as the implementing LRA, it should

involve people who can leverage the resources (financial and otherwise) that will be needed to implement the plan and attract tenants to the property.

**Ideally, seven to nine nonpartisan voting members are appropriate for an LRA.** When reuse planning is be extensive and more people need to be involved, a small executive committee of key members empowered to make policy decisions should be established.

### **LRA Organizational Principles to Keep in Mind**

- **Represent the affected area and its demographics.** An effective adjustment organization should include broad representation from the jurisdictions in which the closing installation lies.
- **Include private as well as public sector representatives.** The LRA may include local government leaders, workers (and unions where applicable), homeless assistance providers, members of the real estate and banking communities, environmental groups, local business/chamber of commerce, members of the education community, and tribal representatives where appropriate.
- **Strive for a manageable number of members or have an executive council.** Groups of no more than seven to nine are most effective for team dynamics. If needed, an executive council provides oversight and leadership, and should have an equitable representation of political, economic, and other community interests. Since most members will be asked to donate their time, an LRA should minimize the time demands on the group.
- **Aim to create a comprehensive committee structure** to draw upon local resources. While the voting members oversee the actions of the community effort, committees perform the detailed work in specific program areas.
- **Clearly define the LRA' responsibilities.** Is the LRA focused solely on planning for reuse of the installation and related adjustment efforts? Are there other agenda items that could distract from the primary redevelopment planning activity? Remember, the Department of Defense and other Federal agencies must have a single focal point at the community level.
- **Be public and transparent.** Keep the public informed and solicit input in all phases of the program. This input not only ensures that the LRA continues to focus on the interests of its communities, but also provides State and Federal officials with realistic access to the community.
- **Set and enhance capacity.** Varying degrees of expertise will be needed to address closure issues, as well as to formulate a redevelopment plan. To plan, an LRA may need access to expertise in finance, business development, environmental issues, etc. Are

there existing staff with capacity for the task? Will this effort require planning consultants?

- **Remember that base redevelopment planning is a long process.** To encourage sustained participation, the LRA should include a mix of elected and non-elected members who have broad support to avoid turnover and steep learning curves.
- **Remember the considerable resources and expertise available at no cost** from various Federal agencies, the Military Department, and OEA Project Managers. These personnel may be invited to attend LRA meetings and participate in discussion and working sessions with LRA members, but will not be voting members.

# Guidebook on Military Base Reuse and Homeless Assistance HUD's

## HOMELESS ASSISTANCE PROGRAMS

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### Section 1: Introduction

For more than four decades, the U.S. Department of Defense (DoD) has closed or realigned military installations to reduce overhead, enhance readiness and modernization, and adjust to the realities of changing international relations. The resulting impact on surrounding communities is often dramatic. Many communities have successfully converted these former installations to civilian uses such as parks and other recreational facilities, business centers, market-rate housing, affordable housing, and transitional housing for homeless persons. Since the late 1980s, the base closure process and the role of local communities in planning for their transition to civilian use have evolved significantly.

In 1987, Congress enacted the Stewart B. McKinney Homeless Assistance Act. Title V of that Act made serving the homeless the first priority for use of all surplus Federal properties, including military installations. Congress did not anticipate the scope of military base closures and realignments nor how the Title V priority of the McKinney Act would affect reuse of the installations.

In 1988, the Secretary of Defense chartered the first Defense Base Closure and Realignment Commission (BRAC Commission). The BRAC Commission recommended closing 86 installations and the partial closure or realignment of 59 others. The Base

Closure and Realignment Act of 1990 established the first independent commission “to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.” This law authorized the creation of an independent BRAC Commission to recommend installation realignments and closures in 1991, 1993, 1995, and now 2005.

Early in the 1990s, most individuals involved in base reuse concluded that Title V of the McKinney-Vento Act did not adequately address all multiple interests related to large parcels of surplus Federal properties such as military bases. Therefore, in 1994, DoD; the U.S. Departments of Housing and Urban Development (HUD), Veterans Affairs (VA), and Health and Human Services (HHS); the General Services Administration (GSA); and homeless assistance providers and other community groups recommended changes to the McKinney Act that led to enactment of the **Base Closure Community Redevelopment and Homeless Assistance Act of 1994** (the **Redevelopment Act**). The Redevelopment Act, which was amended in 1996, remains in effect and governs the 2005 installation realignments and closures.

The President approved the 2005 BRAC Commission recommendations on September 8, 2005. Those approved recommendations were sent to the Congress on September 23, 2005 and became law on November 9, 2005.

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## **The Redevelopment Act**

The Redevelopment Act was designed to accommodate the impacted communities’ multiple interests in base reuse and to meet the national priority to assist homeless individuals and families. The law exempted BRAC Commission installations from the provisions of Title V of the McKinney Act and substituted a community-based process wherein representatives of the homeless and other community groups participate in local reuse planning.

The Redevelopment Act places responsibility for base reuse planning in the hands of a Local Redevelopment Authority (LRA), which represents all the local jurisdictions affected by a closing or realigning installation. The LRA is responsible for developing a reuse plan that appropriately balances the needs of the various communities for economic redevelopment, other development, and homeless assistance. HUD then reviews the plan to determine its compliance with the statute.

## **Implementation of the Redevelopment Act**

HUD’s Office of Community Planning and Development (CPD) and DoD’s Office of the Assistant Secretary for Economic Security jointly developed and published regulations that implement the Redevelopment Act. The regulations, although identical, are found in two locations. HUD’s regulations are codified at 24 CFR 586 and DoD’s version is found at 32 CFR 176.

This guidebook was developed to anticipate and answer potential questions about the Redevelopment Act. It explains the base redevelopment planning process, the requirements and guidelines for submission of applications, and HUD’s review process. However, this guide is not an exhaustive reference. Other issues germane to the base reuse process are addressed in two DoD documents:

- *Responding to Change: Communities & BRAC* provides practical, early-on advice for local and State officials and the general public. It encourages early organization, thorough planning, and actual implementation of redevelopment

plans. Copies may be obtained from DoD's Office of Economic Adjustment by calling (703) 604-6020 or online at <http://www.oea.gov>.

- *The Base Redevelopment and Realignment Manual* describes the procedures to transition installations from military to civilian use and ensures a common approach is used by all the components of DoD. Copies may be obtained online at <http://www.dtic.mil/whs/directives> or from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, and (703) 487-4600.

Other primary sources of BRAC information can be located online at the BRAC Commission website at: <http://www.brac.gov> or DoD's website at <http://www.defenselink.mil>.

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## Section 2: Overview of the Base Redevelopment Process

This section discusses the objectives of the Redevelopment Act. Information on participants and the major steps involved in base redevelopment is explained, as is HUD's role in the BRAC process.

### **Objectives of the Redevelopment Act**

The Redevelopment Act has three primary objectives:

- To balance a community's expressed needs for economic redevelopment and other development with the expressed needs of the homeless individuals and families in the vicinity of the installation.
- To ensure that base reuse planning is directed by local communities in the vicinity of the installation via empowerment of a locally controlled redevelopment planning authority.
- To promote rapid reuse of closing or realigning military installations by establishing timelines or deadlines for each stage of the process.

### **Applicability**

The Redevelopment Act applies to all installations approved for closure in 2005.

### **Collaborators in the Base Reuse Process**

Representatives of the local community working with Federal and State officials, private sector representatives, and homeless assistance providers attempt to develop a balanced reuse plan that reflects local needs. The role played by each of these partners is described briefly in the following paragraphs:

### **Local Participants**

**Local Redevelopment Authority (LRA).** The LRA is any authority or instrumentality established by State or local government and recognized by the Secretary of Defense through its Office of Economic Adjustment (OEA) as the entity responsible for developing the reuse plan or for directing implementation of the reuse plan. Established by the local community and recognized by OEA, LRAs must allow the community maximum public input during its deliberations. The community in the vicinity of an installation is defined as the political jurisdiction(s), other than the State, that comprise the LRA for the installation. If no LRA is formed at the local level and the State is serving in

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that capacity, then the community in the vicinity of the installation is deemed to be the political jurisdiction(s) in which the installation is located.

**Public agencies and private nonprofit organizations.** Public agencies and private nonprofit organizations are often eligible for one of several public benefit conveyance programs that make surplus properties available at up to a 100-percent discount of fair market value. Surplus military property may be conveyed to these public agencies and private nonprofits to provide vital public services such as education, health care, homeless services, parks and recreation, law enforcement, prisons, self-help housing and transportation.

**Homeless assistance providers.** These participants may include State or local government agencies or private nonprofit organizations that provide or propose to provide assistance to homeless persons and families. Representatives of the homeless seek buildings and properties that may provide supportive services, job and skills training, employment programs, shelter, transitional housing, permanent housing, food and clothing banks, treatment facilities, or any other activity that clearly meets an identified need of the homeless and fills a gap in the local Continuum of Care. The Continuum of Care is discussed in greater detail in Section 3.

**Private entities.** Private entities may range from multinational corporations to small businesses that, in most cases, are critical to a community's economic recovery from base closure or realignment. Private companies are frequently interested in the reuse potential for surplus base buildings and property.

### **Federal Participants**

**DoD.** The Office of Economic Adjustment (OEA) is the DoD office responsible for recognizing the LRA. It also provides planning grant funds to those LRAs for which it determines base closure will cause direct and significant adverse consequences, or to those for which the Military Department is required, under the National Environmental Policy Act of 1967, to undertake an Environmental Impact Statement (EIS). An OEA Project Manager is assigned to each of these installations as a facilitator and catalyst to the community's planning process.

Other DoD participants are the U.S. Army Corps of Engineers, the Navy Facilities Engineering Command, and the Air Force Base Conversion Agency, which dispose of surplus property following consultations with the LRA and consideration of the approved reuse plan. In addition, Base Transition Coordinators (BTCs) and BRAC Environmental Coordinators (BECs) work as troubleshooters and ombudsmen to help the LRAs navigate the stages of closure and environmental restoration.

**HUD Headquarters and Field Offices.** In Headquarters, the Office of Community Planning and Development (CPD), Office of Special Needs Assistance Programs carries out HUD's BRAC process responsibilities. HUD Field Offices will provide technical assistance to LRAs and homeless assistance providers throughout the planning process.

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HUD Headquarters and Field CPD Office staff each review the reuse plan (see Appendix 1 for a list of HUD's Field CPD Offices).

### **HUD's Role in the BRAC Process**

HUD reviews the application that the LRA submits to HUD and DoD. An application consists of the redevelopment plan and the homeless assistance submission. HUD's review determines whether:

- The application is complete.
- The LRA has followed the process required by the Redevelopment Act and the regulations (24 CFR 586) when preparing the plan and homeless assistance submission.
- The plan takes into consideration the size and nature of the homeless population in the vicinity of the installation.
- The plan takes into consideration the availability of existing services to meet the needs of the homeless.
- The plan takes into consideration the suitability of the buildings and property on the installation for use and needs of the homeless.
- The plan takes into consideration the economic impact of proposed homeless assistance on communities in the vicinity of the installation, including whether the plan is feasible, and whether the selected NOIs are consistent with the Consolidated Plan or other housing, social service, community, or development plan.
- The legally binding agreements specify the manner in which property will be made available, include all documents necessary to complete the transaction, include all appropriate terms and conditions, address environmental contingencies, stipulate timely transfer, and are accompanied by legal opinion.
- The plan appropriately balances the needs for economic and other redevelopment with the needs of the homeless for the communities within the vicinity of the installation.
- The plan was developed in consultation with homeless service providers.

HUD is available to provide technical assistance to the LRA and may negotiate and consult with the LRA before or during its preparation of the reuse plan. Field CPD Office staff can help link the LRA with homeless assistance providers, provide guidance on the process mandated by the Redevelopment Act, and facilitate linkage of the LRA and homeless assistance providers to sources of funding for reuse projects.

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## **Major Steps of the Base Redevelopment Process**

### **Step 1: Approval of BRAC Recommendations for Closures or Realignment**

The base redevelopment process formally begins with the President's approval of the BRAC Commission recommendations. The President approved the 2005 BRAC Commission recommendations on September 8, 2005. Those approved recommendations were sent to the Congress on September 23, 2005 and became law on November 9, 2005, when Congress did not pass a resolution of disapproval within 45 legislative days of presidential approval.

### **Step 2: Federal Screening for Potential Federal Reuse**

Once the 2005 BRAC Commission's list became law on November 9, 2005, Federal agencies and departments had first choice for use of the excess military installations. Federal interests were to have been formally applied for within 60 days of the closure approval date. The Military Department is to make all surplus determinations not later than May 9, 2006, which is 6 months following the closure approval date. The Federal screening process is officially complete once the Military Department publishes its list of surplus buildings and properties in the Federal Register. The lists are also available on the military department BRAC websites.

### **Step 3: DOD's Recognition of the LRA**

Concurrent with the Federal screening process, the community forms the LRA. DoD, through OEA, must officially recognize the LRA. OEA notifies the community of its recognition in writing and publishes the name, address, and point of contact for the LRA in the Federal Register and in a newspaper of general circulation in the community in the vicinity of the installation. LRA information is also available online at [www.oea.gov](http://www.oea.gov).

### **Step 4: LRA's Outreach Actions**

Once the Military Department publishes the list of surplus buildings and properties, the LRA must advertise their availability in a newspaper of general circulation within the vicinity of the installation. The advertisement must include the time period during which it will receive notices of interest (NOIs) from homeless assistance providers and State and local governments (see pages 12 and 13 for additional information).

### **Step 5: Completion of the Redevelopment Plan and the Homeless Assistance Submission**

When the LRA completes its outreach process, it has up to 270 days to generate a redevelopment plan and a homeless assistance submission (see Section 4). The LRA must determine which NOIs, if any, to support with some combination of buildings, property, and/or funding. The LRA is required by the Redevelopment Act to negotiate with those homeless assistance providers who submit NOIs. These negotiations are brought to closure through the development of legally binding agreements (see Section 4), which *6 Guidebook on Military Base Reuse and Homeless Assistance* may differ substantially from the initial NOI. These agreements are then submitted as part of the homeless assistance submission.

The LRA must periodically make drafts available to the public for review and comment as the LRA prepares the redevelopment plan and homeless assistance submission. Once the redevelopment plan and the homeless assistance submission are completed, the LRA must hold at least one public hearing to receive input on these documents. The LRA must comply with applicable local law or ordinances regarding the formality of public hearings and may revise the plan and homeless assistance submission in accordance with issues raised at the hearing.

As part of its application to HUD, the LRA must include a summary of public comments received during the process of developing the plan and homeless assistance submission. Many LRAs choose to include copies of written comments received and transcripts of hearings to avoid charges that the LRA has misrepresented the public's comments. The LRA shall submit the final redevelopment plan and the homeless assistance submission to the local HUD Field Office; HUD Headquarters in Washington, D.C.; OEA, and the Military Department.

### **Step 6: HUD's Review**

The Redevelopment Act mandates that HUD review the redevelopment plan and the homeless assistance submission within 60 days of HUD's receipt of a complete application. The required elements of a complete application are listed on the HUD Completeness Review Checklist in Section 5 (HUD's Review). To expedite review of your application, send your application with the Completeness Review Checklist you have filled out on top, serving as an index to your application. Do not send incomplete applications. HUD may negotiate and consult with the LRA at any time during its review and will notify the LRA of its determination or, where applicable, of any further steps the

LRA should take.

### **Step 7: Military's Disposal of Buildings and Property**

The Military Department must complete an environmental review of the installation in compliance with Federal environmental laws. Transfer of properties to the intended recipient will occur only after this review process is completed.

For on-base buildings and properties committed to homeless assistance providers, the transfer will be made in compliance with the approved application, either to the LRA or directly to the homeless assistance providers.

### **Waiver Requests**

Approval of any request for waiver of the BRAC time limitations is not automatic. If the LRA needs additional time to complete its application, the LRA may request a waiver to extend or postpone the deadlines. If the LRA shows **good** cause, the Assistant Secretary of Defense for Economic Security may grant such a request if it is deemed in the best *Guidebook on Military Base Reuse and Homeless Assistance* 7 interest of the community. Requests must be submitted, before the deadline sought to be extended, to the following address:

Director, Office of Economic Adjustment  
U.S. Department of Defense  
400 Army-Navy Drive, Suite 200  
Arlington, VA 22202

In addition, HUD's Assistant Secretary for Community Planning and Development may waive certain nonstatutory requirements in the regulations, except for deadlines and actions required by DoD. To determine those requirements, LRAs should contact their local HUD Field Offices. Direct requests for these waivers to the following address:

Assistant Secretary for Community Planning and Development  
U.S. Department of Housing and Urban Development  
ATTN: BRAC Coordinator  
451 7th Street SW., Room 7266  
Washington, DC 20410

## **Required LRA Outreach Activities**

### **Newspaper Advertisement**

Formal outreach to public and homeless interests must begin no later than 30 days after the date on which the Military Department publishes the list of available surplus buildings and properties in the *Federal Register*. Within 30 days of the Military Department's advertisement, the LRA must publish a newspaper advertisement requesting Notices of Interest (NOIs) in the buildings and properties on the installation. The outreach process begins with the publication of the LRA advertisement and ends on the deadline date as stated in the newspaper advertisement for submission of NOIs to the LRA.

Advertisements initiated by the Military Department for surplus buildings and property are not substitutes for this requirement. The advertisement must state a definitive period of not less than 90 days nor more than 180 days for homeless assistance providers or State and local entities to express interest in the property. Because the advertisement should appear in a section of the paper that has high visibility, the legal or classified sections generally should be avoided (see next page for a sample advertisement). LRAs should also simultaneously advertise for NOIs from public and nonprofit entities interested in

obtaining property via a public benefit conveyance.

Note that the sample on the following page is for your consideration only. The Redevelopment Act places responsibility for base reuse planning in the hands of the LRA. The sample is designed to assist LRAs in developing their own advertisement, which will require modification as dictated by local circumstances.

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### **Availability of Surplus Federal Property to State and Local Eligible Parties, Including Homeless Service Providers (Name of LRA)**

As required by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, as amended (the Redevelopment Act) and its implementing regulations, the (insert LRA name)(the LRA) for (insert name of installation) is seeking notices of interest (NOIs) for surplus property at the installation. State and local governments, homeless service providers and other interested parties may submit NOIs no later than 5 p.m. on (date) 2006. A listing of surplus property at (installation) was published by the Department of the (Service) in the *Federal Register* on (date). The complete listing can be obtained by calling the LRA contact person identified below.

NOIs for homeless assistance may be submitted by any State or local government agency or private nonprofit organization that provides or proposes to provide services to homeless persons and/or families residing in (list municipalities and counties comprising the LRA). A workshop will be held at the (location), on (date) at (time), which will include an overview of the base redevelopment planning process, a tour of the installation, information on any land use constraints known at the time, and information on the NOI process. To register for this workshop, please call the LRA contact person identified below by (date). Attendance at this workshop is not required to submit an NOI, but is highly encouraged.

NOIs from homeless service providers must include: (i) a description of the homeless assistance program that the homeless service provider proposes to carry out at (location); (ii) a description of the need for the program; (iii) a description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of (installation); (iv) information about the physical requirements necessary to carry out the program, including a description of the buildings and property at (installation) that are necessary in order to carry out the program; (v) a description of the financial plan, the organizational structure and capacity, prior experience, and qualifications of the organization to carry out the program; and (vi) an assessment of the time required to commence carrying out the program.

Entities interested in obtaining property through a public benefit conveyance (PBC), other than a homeless assistance conveyance, are invited to contact the following Federal agency offices to find out more about each agency's PBC program and to discuss with the agency the entity's potential for qualifying for a conveyance of property. Federal agencies sponsoring PBCs include the Department of the Interior for parks, recreation, wildlife conservation, lighthouses, and historic monuments uses; the Department of Education for educational uses; the Department of Health and Human Services for public health uses; the Department of Justice for

correctional facilities and law enforcement uses; the Department of Housing and Urban Development for Self-Help Programs; the Department of Transportation for airports and seaports; the Veterans Administration for cemeteries; and the Federal Emergency Management Agency for emergency management purposes. A complete listing of the Federal agencies with PBC programs with specific points of contact is available from the LRA.

NOIs for PBCs must include: (i) a description of the eligibility for the proposed transfer, (ii) the proposed use of the property, including a description of the buildings and property necessary to carry out such proposed use, (iii) time frame for occupation, and (iv) the benefit to the community from such proposed use, including the number of jobs the use would generate. For additional information or to register for the workshop, contact (LRA contact person) at (address and phone number).

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### **Workshop**

Early in the outreach process and in coordination with HUD and the Military Department, the LRA shall conduct at least one workshop on the installation. The goals of these workshops are to:

- Inform homeless and public interest groups about the closure/realignment and property disposal process.
- Allow groups to tour the buildings and properties available.
- Explain the LRA's process and the schedule for receiving NOIs.
- Discuss any known land-use constraints affecting the available property and buildings.

### **Direct Outreach**

LRAs shall meet with homeless assistance providers expressing interest in properties on or off the installation. The LRA must submit to HUD a list of providers that were consulted throughout the reuse planning process.

### **Outreach Area and Effort**

The Redevelopment Act specifies that outreach to homeless assistance providers must extend to the community in the vicinity of the installation—defined as the jurisdictions that constitute the LRA. For example, if the LRA's Executive Committee is composed of city and county representatives, the official area for outreach includes the geographic area of the city and county and the homeless assistance providers that serve persons residing within those two jurisdictions. For assistance in defining the catchment area, LRAs should contact the HUD Headquarters Office listed in Appendix 1.

As long as the LRA meets the minimum standard, it may extend its outreach efforts as widely as it wishes to private or public interest groups both within and outside the local community.

A jurisdiction that receives Community Development Block Grant funds as a member of an urban county (as defined by HUD) should examine how housing and services for the homeless are provided within the county. If the homeless service system is countywide, these LRAs should consider extending their outreach to all the communities that constitute the urban county.

### **Public Benefit Transfers**

Eligible units of State and local governments and certain nonprofit organizations may acquire surplus real property for public benefit uses at discounts of up to 100 percent.

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Public benefit conveyance categories include parks and recreation, historic monuments, airports, health, education, correctional facilities, highways, self-help housing and wildlife conservation. Under the public benefit programs, eligible entities must apply to a sponsoring Federal agency. For example, if a city wanted to obtain surplus Federal property for use as a college, it would make an application to the Department of Education.

The regulations encourage LRAs to work with federal agencies that sponsor public benefit transfers for public and private interests at the same time that the LRA is conducting its homeless outreach. However, the Federal District Court for the District of Columbia has ruled that the homeless and public benefit outreach processes are parallel tracks that must be carried out before HUD can make a determination on an application. HUD recommends that all LRAs publicly solicit notices of interest for public benefit transfers at the same time the LRA solicits notices of interest for homeless assistance uses. HUD will require evidence that outreach for public benefit transfers has taken place as a condition to approval of your application.

### **Format for Public Benefit Transfer NOIs**

No prescribed format is required for these NOIs. They should specify the name of the entity and the specific interest in property or facilities along with a description of the planned use. Additionally, each sponsoring Federal agency has its own application requirements.

### **Format for Homeless Assistance Provider NOIs**

*NOIs from homeless assistance providers must be more specific.* They must contain at least:

- A description of the need for the program (See Continuum of Care discussion in Section 3).
- A description of the proposed homeless assistance program, including the specific proposed reuse of properties or facilities, such as supportive services, job and skills training, employment programs, emergency shelters, transitional or permanent housing, food and clothing banks, treatment facilities, or other activities that meet homeless needs.
- A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation (see the discussion of the Continuums of Care in Section 3).
- Information about the physical requirements necessary to implement the program, including a description of the buildings and property at the installation that are proposed to carry out the program.

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- A description of the homeless assistance provider who is submitting the notice, its organizational and legal capacity to carry out the program, and its financial plan for implementing the program.
- An assessment of the time required by the homeless assistance provider to carry out the program.

LRAs may require more information, if reasonably related to the proposed reuse.

### **Frequently Asked Questions:**

#### **Do all closing/realigning installations have LRAs?**

No. LRAs are formed *only* if buildings and properties on the installation will be available

for local use (declared surplus) as the result of a closure or realignment. Some base closures/realignments involve the relocation of personnel and may not affect the overall need for buildings and properties. On some occasions, other Federal agencies obtain the excess buildings and property during Federal screening.

### **Is HUD involved in all closing/realigning installations?**

No. Under the Redevelopment Act, HUD has a statutory mandate to review the reuse plan for closing/realigning BRAC Commission installations that have a recognized LRA.

Therefore, HUD has no formal role in base redevelopment if:

- The installation is not a BRAC Commission closure/realignment action.
- The installation contains no surplus property.

### **Does the Redevelopment Act cover all installations regardless of size?**

The Redevelopment Act applies to all military installations regardless of their size, location, or complexity. HUD acknowledges that a community's response to base redevelopment will vary according to the size, location, and complexity of the installation. HUD recognizes that LRA applications developed for major installations, which may encompass thousands of acres, will be more lengthy and complicated than 3-or 4-acre reserve facilities that contain few buildings. Each application, however, must address all the elements required by statute or regulations.

For example, an LRA located in a small rural community having a small homeless population will not be held to the same level of detail in its submission as will an LRA in a large metropolitan area with a large homeless population. Ultimately, LRAs must

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follow the process stipulated in the Redevelopment Act and submit applications that balance the expressed needs of the community for economic redevelopment, other development, and homeless assistance.

### **What organizations are eligible to obtain property for homeless assistance?**

Governments and private nonprofits that serve the homeless or propose to serve the homeless are eligible to receive base property under a no cost homeless assistance transfer. Note that homeless assistance transfers are not available for general relief of the poor or for those who are temporarily dislocated due to disaster. Only those organizations that propose to serve homeless persons meeting the McKinney-Vento Act definition are eligible to receive a no cost transfer. HUD will review the LRA application and the NOIs that are proposed to receive property to determine that the organizations slated to receive property for homeless assistance purposes qualify.

### **Can organizations that have never served the homeless before get nocost transfers for homeless assistance?**

Yes, however, they must propose to serve homeless on the property and should be able to show their capacity to carry out the proposed project.

### **What is the McKinney-Vento Act definition of homeless?**

The term "homeless" or "homeless individual or homeless person" includes:

- (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and
- (2) An individual who has a primary nighttime residence that is—
  - (a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);



(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

It does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law. Neither does it include people living in overcrowded or substandard housing.

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### **What organizations are eligible to obtain property under public benefit transfers?**

There are a number of public benefit transfers available through different federal agencies. They include transfers for airports, schools, prisons, parks and recreation, public monuments, health care uses and self-help housing development. For more information on public benefit transfers, please see:

<http://www.propertydisposal.gsa.gov/Property/PubBenefitProp/>

### **What can an LRA do to speed up the HUD review process**

- Accept Technical Assistance.
- Submit a complete application.
- Don't just submit the bare bones.
- Use your application as an opportunity to "make your case" to HUD. Explain your reasons for accepting and rejecting each homeless NOI and make sure HUD knows what informed your decision-making. Explain why you think you met all the review criteria, in particular, why your plan is balanced.
- Describe the process used to make decisions on NOIs and explain why it is a fair and equitable process.

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## **Section 3: The Consolidated Plan and the Continuum of Care**

This section discusses the Consolidated Plan and the Continuum of Care and how each can facilitate the base reuse planning process.

### **The Consolidated Plan**

A Consolidated Plan is developed by each State and local government receiving grant funds from HUD under four formula grant programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Shelter Grants (ESG). In developing its Consolidated Plan, the State and local governments are required to consult with community-based organizations, businesses, nonprofit organizations, and other entities that provide housing and housing services. The Consolidated Plan is primarily an affordable housing plan that describes housing needs (including needs of the homeless) and market conditions and sets forth a strategic plan with housing priorities and objectives. The Consolidated Plan serves as application for the four formula programs and sets forth how the funds will be used. Consolidated Plans also include a non-housing community development plan and identify specific long-term and short-term community development objectives, including economic development activities that create jobs.

These are developed in accordance with the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons. A Consolidated Plan may also include neighborhood revitalization strategies for jurisdictions that elect to carry out a revitalization strategy in one or more neighborhoods. Some State and local consolidated plans are available from HUD online at:

<http://www.hud.gov/offices/cpd/about/conplan/local/index.cfm>. Other Consolidated Plans may be available on the State or local government's web site. In developing a base reuse plan, the diversity of interests and the needs of the community must be balanced.

Achieving this balance requires broad-based strategic planning that will lead to the integration of the military property into the local community.

The Consolidated Plan is particularly useful in base reuse planning because it summarizes the housing needs of the community, the current inventory of services to address those needs, and the gaps that remain between the need and the current inventory. It consists of the following elements:

- A thorough assessment of housing needs, including the needs of the homeless, and available resources.
- A 3- to 5-year strategy to address priority needs and objectives with a timetable to achieve those objectives.

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- An annual funding plan specifying projects and activities the jurisdiction will undertake with funds from the four HUD formula programs.

### **Using the Consolidated Plan for Reuse Planning**

The Consolidated Plans of the community or communities that constitute the LRA are significant existing tools for base reuse planning. HUD encourages their use for:

- An assessment of affordable housing and homeless needs.
- Statements of local priorities for projects serving individual neighborhoods or the community as a whole. The LRA can learn about projects and areas receiving or targeted to receive assistance, including projects in neighborhoods in the vicinity of the installation.
- Surveys of the neighborhoods in the vicinity of the installation through use of the GIS Boundary Files and Enterprise Geographic Information System (EGIS) mapping software.
- An estimate of the number of homeless persons and families in the community.
- Identification of homeless assistance providers in the community in the vicinity of the installation.
- Gaps in the current homeless services system.

### **Helpful Resource Tables in the Consolidated Plan**

- Table 1A: Homeless Gap Analysis and Population/Subpopulations Charts;
- Table 1B: Special Needs (Non-Homeless);
- Table 1C: Summary of Specific Homeless/Special Needs Objectives.
- Table 2A: Priority Housing Needs;
- Table 2B: Priority Community Development Needs;
- Table 2C: Summary of Specific Community Development Objectives; and
- Table 3: Action Plan Projects

For additional information regarding the Consolidated Plan see:

<http://www.hud.gov/offices/cpd/about/conplan/index.cfm>

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### **Other Local Plans are Useful, too**

HUD also encourages use of additional planning documents, such as:

- Strategic plans from Empowerment Zones/ Enterprise Communities.
- Plans for economic development completed by State or local economic development authorities, councils of government, municipal or county government planning agencies, or chambers of commerce.
- Plans for transportation, affordable housing, parks and recreation, and public works that have been developed by special purpose districts, selected State or local agencies, or nonprofit organizations.
- State or local ten year plans to end chronic homelessness, particularly as coordinated with the local Continuum of Care plan.
- Functional plans and specific proposals for shelter providers, homeless assistance coalitions, or religious organizations.

Although these plans often contain information relevant for preparing the redevelopment plan and the homeless assistance submission, HUD would be in a position to question information from a source that contradicts information in the Consolidated Plan.

### **Means to Assess Homeless Needs without Consolidated Plans**

Jurisdictions should use other local planning documents, mentioned in the previous paragraph, to describe information about the current homeless services system and the need that currently is not being met. LRAs that represent these jurisdictions are not required to conduct surveys of the homeless population. The LRA may use the statements of need provided in the NOIs.

### **The Continuum of Care and Reuse Planning**

Addressing homelessness through permanent solutions is one of HUD's top priorities. To that end, the Department has worked toward achieving this goal by encouraging a community-based process that provides a comprehensive response to the homeless population's different needs. This approach—a Continuum of Care—assesses needs, inventories resources, identifies gaps, and coordinates public and private resources to fill in the gaps and avoid duplication. Sections in the Consolidated Plan are devoted to the needs, inventory of resources, and gaps in the homeless Continuum of Care.

A local Continuum of Care plan submitted to HUD typically includes the following components:

- Outreach and assessment to identify an individual's or family's needs and make connections to facilities and services.
- Immediate shelter and safe, decent alternatives to the streets.

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- Transitional housing and necessary social services to include job training and placement, substance abuse treatment, short-term mental health services, and independent living skills.
- Permanent housing or permanent supportive housing arrangements.

### **Helpful Resource Forms in the CoC Application**

- Service Activity Chart – This is an inventory of the supportive services available to persons who are experiencing homelessness.
- Housing Activity Charts - These charts are project-by-project listings of the current

and “in development” inventory of emergency, transitional, and permanent housing. These charts also include information on the unmet need for housing in the area.

- Homeless Populations and Subpopulation Chart – Based on an annual count and other source documents, this chart details the number of homeless persons and then further details the specific subpopulations, such as persons with mental illness, substance abuse, etc.
- Homeless Management Information Chart (HMIS) – The HMIS is a computerized data collection application designed to capture client-level information over time on the numbers, characteristics, and service needs of homeless persons.

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## Section 4: The Redevelopment Plan and Homeless Assistance Submission

This section defines the redevelopment plan, homeless assistance submission, and the public comment submission requirements. It also discusses resources that may facilitate the local reuse planning process.

### **Materials to be Submitted to HUD and to the Military Department**

The LRA must submit the following three items:

- The redevelopment plan.
- The homeless assistance submission.
- A summary of public comments on both documents.

### **The Redevelopment Plan**

The Redevelopment Act describes the redevelopment plan as “a conceptual land-use plan prepared by the recognized LRA to guide local reuse of the former military installation.”

It is a strategic plan for the reuse of an entire installation. The redevelopment plan must explain the proposed reuses of the military installation and how this reuse will achieve a balance in responding to the community’s needs. No specific format is required; it may include statistics, graphics, maps, narrative descriptions, or other materials.

### **Homeless Assistance Submission**

The homeless assistance submission consists of the following five components. Refer to the Redevelopment Act or the regulations if additional clarity on the submission is needed.

- 1. Information about homelessness**
- 2. Notices of Interest (NOIs)**
- 3. Legally Binding Agreements**
- 4. Balance**
- 5. Outreach**

**Component 1 - Information about homelessness in the communities within the vicinity of the specific military installation** - Obtain information from the Consolidated Plan and/or other local planning documents. Explain how this information was taken into consideration in developing the plan. Different scenarios are provided, illustrating how communities of different sizes might collect information:

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**Scenario A: Large communities.** The submission from the LRA for a large (HUD entitlement) community shall include:

- Two tables from the Consolidated Plan: Table 1, Homeless and Special Needs Population. Table 2, Priority Homeless Needs Assessment.
- The narrative sections of the Consolidated Plan that reference these tables. The narrative must describe the community's homeless assistance needs, the current inventory of homeless facilities and services, and the identified gaps in the Continuum of Care. LRAs may need to submit materials from more than one Consolidated Plan if the LRA covers multiple jurisdictions.

**Scenario B: Communities that are cities within an urban county (as defined by HUD).** Submissions from the LRAs for these communities shall include:

- All the information under Scenario A.
- A discussion of the homeless needs/inventory/gaps described in the Consolidated Plan and how they apply to the specific jurisdiction(s) that are in the vicinity of the installation.

**Scenario C: Communities located within a jurisdiction that does not prepare a Consolidated Plan.** These jurisdictions primarily represent rural communities. The LRAs for these communities shall submit:

- A description of the homeless population it perceives to be present in the community. LRAs that represent these jurisdictions are not required to conduct surveys of the homeless population.
- A brief inventory of existing services and homeless facilities to serve that population.
- A description of the unmet needs within the context of existing facilities and information on services to move the homeless toward self-sufficiency, within the context of a Continuum of Care approach.

**Component 2 - Notices of Interest (NOIs)** - This section of the submission shall include:

- A copy of each NOI sent to the LRA by those providers that propose homeless assistance activities.
- A description of the NOIs being supported with buildings, property, and/or funding and an explanation for this support. Also to be included are explanations of why the remaining NOIs were not selected, such as adverse impact on the community, lack of financial resources or capacity, and/or inconsistency with the Consolidated Plan.
- A description of the impact that selected NOIs will have on the community in the vicinity of the installation, addressing the following questions:

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- Will the selected NOIs affect the character of existing neighborhoods adjacent to the properties proposed to assist the homeless? What impact will the NOIs have on schools, social services, transportation systems, and infrastructure?
- Will the selected NOIs have the adverse effect of concentrating minorities and/or low-income persons in the vicinity of the installation?
- Will the community in the vicinity of the installation ensure that general services such as transportation, police, fire, water, sewer, and electricity are available in conjunction with the proposed homeless assistance activities?

Refer to the Redevelopment Act or the regulations for additional clarity on the NOIs.

**Component 3 - Legally Binding Agreements.**

Each NOI selected for homeless assistance must be finalized in legally enforceable

documents, referred to as the legally binding agreements (LBAs). The LBAs are the concrete result of negotiations between the LRA and the homeless assistance provider. HUD recommends that both parties engage legal counsel to negotiate and draft LBAs. The homeless assistance project described in the LBAs may differ from the NOI submitted by the homeless assistance provider. However, the LBAs must both commit the LRA to fulfilling the homeless assistance component of the redevelopment plan and commit the homeless assistance provider to carry out the proposed activity. In the future, if either the LRA or the homeless assistance provider fails to fulfill its commitment, the other should be able to enforce the contract through legal action.

Although the LBAs need not be executed when submitted to HUD, they must include all documents legally required to complete the transactions necessary to realize the homeless uses described in the plan upon which balance is predicated. The LBAs may commit properties on or off the base, funding, services, or some combination of these.

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## **Key Elements of the Legally Binding Agreement**

- If base property is being transferred to a provider, the LBA will include the contract, proposed deed or lease and any restrictive covenants.
- If base property is being transferred to a provider, the LBAs must contain a process for negotiating alternative arrangements if an environmental analysis indicates that property identified for transfer is not suitable for the intended purpose. The parties should seek functional equivalence in alternative property.
- If the LRA has agreed to make payments in lieu of providing property, the LBAs should explicitly state the source and amount of funds, the payment schedule, and the purpose for which the funds will be used.
- If property yet to be identified off base is to be offered, the LBA will adequately describe the requirements for the property (size, zoning, etc), when it will be transferred, and what will happen if suitable property is not found within a specified time period.
- The LBAs must provide for reversion or transfer of the property to the LRA or another entity if the homeless assistance provider ceases to use the property for homeless assistance.
- The LBAs must be accompanied by a legal opinion of the chief legal advisor(s) to the LRA or the political jurisdiction(s) that will be executing the LBAs. The legal opinion will state that, when executed, the LBAs will constitute legal, valid, binding and enforceable obligations on the parties.
- If the LBAs are not executed when submitted to HUD, they must be accompanied by a letter from the chief executive officer of the homeless assistance provider stating that the provider has agreed to the terms.
- LBAs may not be conditioned upon the subsequent approval of any other federal agency.

### **Component 4 – Balance**

The LRA shall discuss (1) how the reuse plan balances the need for economic redevelopment, other types of development, and homeless assistance in the community in the vicinity of the installation, and (2) how this plan is consistent with the Consolidated Plan and other existing housing and community development plans adopted by the jurisdictions in the communities served by the LRA.



### **Component 5 - Outreach**

The LRA shall include the following items in this portion of the submission:

- A listing of all jurisdictions in the area served by the LRA, describing the required catchment area for outreach to homeless assistance providers.
- A copy of the newspaper advertisement placed by the LRA, including the name of the newspaper(s) and date(s) of publication.
- A listing of homeless assistance providers that the LRA has consulted during the process of preparing its application.
- A description of the outreach efforts made to homeless assistance providers in the community in the vicinity of the installation.
- A description of the workshop conducted on the installation during the outreach period.

### **Public Comment Requirements**

Because the Redevelopment Act supports a locally controlled reuse process, the LRA must ensure that the local community has an opportunity to be involved in the planning process. Therefore, the LRA must:

- Provide an overview of the citizen participation process.
- Make the draft redevelopment plan and homeless assistance submission available for public review and comment throughout the application preparation process.
- Conduct at least one public hearing on the application prior to its submittal and include a summary of citizens' comments as part of the redevelopment plan and the homeless assistance submission.

### **Application Submission Format Requirements**

The LRA may submit these documents in any format it wishes, providing that they contain all of the required elements (conceptual land-use plan, homeless outreach efforts, information on homelessness, NOIs, legally binding agreements, and demonstration of balanced reuse).

### **Resources to Facilitate the Reuse Planning Process**

Consolidated Plan and Continuum of Care

Most localities have already developed these two planning documents. Therefore, LRAs do not have to “reinvent the wheel” as they plan an installation’s reuse (for example, conduct homeless surveys or community development needs assessments). These documents can provide valuable insights into current efforts, including any shortcomings.

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Local HUD Field Office

To ensure that documents are complete and to avoid unnecessary delays in HUD’s approval process, the LRA, homeless assistance providers, and other interested parties should contact local HUD Field CPD Offices for information and assistance. The LRA should contact HUD Field CPD Office personnel early in its planning process to help prepare the redevelopment plan and homeless assistance submission (see Appendix 1 for a listing of HUD Field CPD Offices).

### **Mailing List of Homeless Assistance Providers**

By providing the ZIP codes of communities in their required outreach area to the HUD Field CPD Offices, LRAs may obtain mailing lists of homeless assistance providers from HUD’s database of those providers located in the vicinity of specific installations. The

lists can be generated in a variety of formats (for example, address labels or alphabetized lists).

### **HUD Field Offices Assistance to Communities & LRAs**

HUD Field Offices can provide the following assistance:

- Explain the Consolidated Plan and describe how this document can facilitate base reuse planning.
- Identify the communities with Consolidated Plans.
- Provide demonstrations of the Consolidated Plan mapping software.
- Explain the concept of a Continuum of Care system and describe how the homeless needs/inventory/gaps assessment in local homeless assistance efforts can be useful.
- Explain the base reuse process.
- Facilitate the LRA's outreach efforts by providing lists of homeless assistance providers. This information can be obtained from HUD, which maintains a national providers database that can be sorted by ZIP code.
- Provide reminders about environmental issues that must be considered when providing housing and services to homeless individuals and/or families.
- Discuss HUD programs and other Federal resources that are available to help finance the renovation and operation of homeless assistance projects as well as other community and economic development projects (see Appendix 2 for HUD programs).

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### **Final Submission of Application to HUD**

One copy of the LRA application, consisting of the redevelopment plan, the homeless assistance submission, and the summary of the public comments on both documents are sent to HUD Headquarters, the local HUD Field Office, and to the local HUD Field Office.

Two Copies to: **HUD Headquarters:**

Assistant Secretary for Community Planning and Development  
U.S. Department of Housing and Urban Development  
ATTN: BRAC Coordinator  
451 7th Street SW., Room 7266  
Washington, DC 20410

One Copy to: **HUD Field CPD Office** (See Listing in Appendix 1)

One Copy to: **Military Department** (Send to the appropriate military district office.)

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## **Section 5: HUD's Review**

HUD must receive the redevelopment plan and homeless assistance submission no later than 270 days from the deadline for receipt of NOIs. HUD's Base Redevelopment Team in Washington, D.C., and the appropriate local HUD Field Office review these documents and together formulate a determination.

HUD will conduct the described in the program regulations as 24 CFR 586.35, including a three-pronged evaluation:

1. **Completeness Review.** HUD determines whether the redevelopment plan and the homeless assistance submission contain all required elements (see Section 4). If any



materials are omitted, HUD's local Field Office will contact the LRA.

**2. Balance Review.** During its review, HUD will ask several questions regarding:

- Outreach to homeless assistance providers. Was adequate information and assistance given to the community of local homeless assistance providers to participate in the development of the application? Did they have adequate time and help in responding to the solicitation for NOIs?
- Impact. Does the overall reuse plan consider the economic impacts of homeless assistance activities proposed in the application?
- Need. Does the reuse plan consider the size and nature of the local homeless population and the availability of necessary services and facilities for a Continuum of Care?
- Consistency. Is the reuse plan consistent with the Consolidated Plan or other planning documents adopted by the community?
- Balance. Does the reuse plan achieve an appropriate balance between the expressed needs of homeless assistance providers and the needs of the communities served by the LRA for economic development and other development?

**3. Enforceability review.**

HUD will determine whether the LRA adequately addressed NOIs received from homeless assistance providers relative to NOIs received from other interests in the community and developed a balanced plan that addresses some of the various needs within the community.

HUD will communicate with the LRA throughout the planning process as well as during its review of the application via its local Field Office. The Field Office may contact the LRA to obtain clarification and/or to request additional information. HUD will complete its review within 60 days of the application's receipt.

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### **Adverse Determinations - LRA's Initial Application**

HUD must notify the LRA and DoD of its preliminary determination. If the application is found to be deficient, HUD must send to the LRA:

- A summary of deficiencies.
- An explanation of the overall determination.
- A statement explaining how the LRA may overcome any deficiencies and change the overall determination.

The LRA may submit a revised application within 90 days. Within 30 days of receipt of these materials, HUD must provide a written notification to the LRA as to its final determination.

### **Adverse Determinations – LRA's Revised Application**

If the final determination regarding the LRA's application is not favorable or the LRA fails to resubmit a revised application, HUD will work directly with homeless assistance providers who have expressed interest in the use of installation buildings and properties. In these instances, the Redevelopment Act provides for HUD to determine the information necessary for homeless assistance providers to submit an application to HUD. The Department will evaluate the financial and other capacities of various homeless assistance organizations to carry out programs for the reuse of installation buildings and properties. Not later than 90 days after HUD receives the revised redevelopment plan and homeless

assistance submission, HUD will notify DOD and the LRA of the buildings and properties that are suitable to use for homeless assistance. HUD also will notify DoD of the extent to which the revised plan meets the review criteria.

DOD will consult with both HUD and the LRA in considering HUD's recommendations. DOD will incorporate HUD's recommendations where appropriate and consistent with the best use of the installation as a whole, taking the LRA's overall reuse plan into account.

**Completeness Review.** The following pages contain the HUD Completeness Review Checklist that is used to determine if an application is complete. It may be helpful for LRAs to use it as well.

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U.S. Department of Housing and Urban Development

Office of Community Planning and Development

**Base Closure Community Redevelopment and Homeless Assistance Act**

## **Redevelopment Plan and Homeless Assistance Submission Completeness Review**

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Name of the Installation

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Name of the Local Redevelopment Authority

**Yes No N/A**

### **Redevelopment Plan**

1. Does the LRA Application include a redevelopment plan for the installation?

### **Outreach to Homeless Assistance Providers**

2. Does the LRA Application include a list of the political jurisdictions that comprise the LRA?

3. Does the LRA Application include a copy of the LRA newspaper advertisement from a newspaper of general circulation in the vicinity of the installation?

3.a. Did the newspaper advertisement announce the receipt of notices of interest for a minimum of 90 days, maximum 180 days?

4. Does the LRA Application provide a list of homeless assistance providers consulted during the outreach process?

5. Does the LRA Application discuss the LRA's overall efforts of outreach to homeless providers in the community in the vicinity of the installation?

6. Does the LRA Application discuss the workshop that was conducted during the outreach period?

### **Information about Homeless in the Vicinity of the Installation**

7. Is there a list of all the political jurisdictions that comprise the LRA?

7.a. Does the LRA Application include copies of the appropriate Consolidated Plan(s) Tables 1 and 2 along with appropriate narrative? LRAs that represent cities within urban counties should comment on how the Consolidated Plan applies to their particular jurisdiction.

7.b. If the community in the vicinity of the installation is not an entitlement city or a city in an urban county, did the LRA provide information on the homeless population?

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**Yes No N/A**

**Notices of Interest (NOIs)**

8. Does the LRA include a copy of each NOI received from homeless providers (this includes both approved and disapproved NOIs)?

8.a. Does the LRA explain why each NOI from a homeless assistance provider was either approved/disapproved?

**Legally Binding Agreements (LBAs)**

9. Does the LRA Application include an LBA for each of the selected NOIs with homeless assistance providers?

9.a. Does each LBA for property have an 'environmental renegotiation' clause (586.30(b)(3)(i)), i.e., does each LBA provide for a process for negotiating alternative arrangements that would enable the same balance of interests made originally in the event that an environmental review conducted subsequent to HUD approval indicates that any property identified for transfer in the agreement is not suitable for the intended purpose?

9.b. Does each LBA have a 'Reverter' clause (586.30(b)(3)(i) and 586.45(e)), i.e., when an LBA discusses on-base property awards, does it provide for the reversion or transfer, either to the LRA or to another entity or entities, of building and property in the event they cease to be used for the homeless?

10. Does the LRA application discuss how the LBA(s) with homeless providers meet gap(s) in the continuum of care?

11. Does the LRA application discuss how the LBAs may/may not impact the community in terms of:

11.a. the impact the homeless housing and services provided through the LBA(s) might have on the community?

11.b. the concentration of homeless/low income individuals and families in the community?

11.c. availability of general services in support of the homeless persons or families served by LBA(s)?

12. Are the LBAs executed?

If unexecuted:

12.a. Are LBA acceptance letters provided from each non-profit with an LBA?

If unexecuted:

12.b. If the non-profit is an umbrella or consortium organization, did the provider organizations consent to the arrangement with the umbrella/consortium and LRA as reflected within the LBA?

13. Has the LRA's or political jurisdiction's chief legal counsel provided an opinion for LBA(s) as to their enforceability under State law (586.30(b)(3)(i))?

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**Yes No N/A**

**Balance between Economic Redevelopment, Other Development, and Homeless Assistance**

14. Does the LRA Application discuss how the LBAs are the consistent with Consolidated Plan?

14.a. Does the LRA Application relate the LBAs to the priorities discussed in the Consolidated Plan?

14.b. Does the LRA Application describe how it balances the needs for economic redevelopment, other development, and homeless assistance?

**Public Comment Requirements**

15. Does the LRA Application provide an overview of the citizen participation process?

15.a. Does the LRA Application provide information on the public hearing?

15.b. Does the LRA Application include a summary of the comments from the public hearing on the draft application?

**Public Benefit Transfer Outreach**

16. Does the LRA Application contain evidence that public benefit transfer outreach was conducted?

Field Office Review completed by: \_\_\_\_\_ on \_\_\_\_\_  
Name Date

Headquarters Review completed by: \_\_\_\_\_ on \_\_\_\_\_  
Name Date

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## Section 6: Model Base Reuse Plans

This section describes several model reuse plans that an LRA may follow for balancing the needs of the homeless with other needs in the community. These may be used as best practices/lessons learned from 1995 and later Base Closure actions. As the process begins, LRAs and homeless assistance providers may find it helpful to reach out to communities that have gone through the process for advice and tips. In addition, a number of successful strategies have emerged over the past three BRAC rounds that have worked to make the process run more smoothly and helped produce positive outcomes to address homelessness in their community. This chapter will outline some strategies that both LRAs and homeless assistance providers have used successfully to balance the various needs in the community including the need of the homeless.

### Case Studies

In this section, three case studies highlight how these communities negotiated the BRAC process, successfully balancing the needs of the homeless in their community with other needs in their community. As you will see, these communities developed different mechanisms and processes that drew heavily from their community's strengths in order to organize, plan and implement a base reuse plan that successfully transitioned installations from military to civilian use. The communities highlighted were chosen to provide examples from rural, small cities, and suburban settings.

### Naval Station Roosevelt Roads (Puerto Rico)

#### Summary

In late September 2003, the U.S. Congress directed the Secretary of the Navy to close the Naval Station Roosevelt Roads in Puerto Rico. This base closure process was not part of one of the previous BRAC closure rounds. The naval station was a sprawling 8,600-acre site located in a rural part of Puerto Rico. The base contained over 3,600 acres of land available for reuse and over 1,600 facilities. Since the naval station was located in a rural part of the island, the Commonwealth of Puerto Rico took the lead in the redevelopment process appointing the Department of Economic Development and Commerce as the

LRA. The Commonwealth and the LRA saw the closure of the naval station as a significant opportunity for economic development and job creation that would benefit all the citizens of Puerto Rico.

### **Planning Process**

Early on in the process, the LRA designated its General Counsel to lead and organize the planning process to incorporate the needs of the homeless within the larger redevelopment effort. Identifying leadership and accountability as the process begins is important to ensure that the process runs smoothly and speaks with a single voice.

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The LRA's first step in addressing the needs of the homeless was to assess the homeless situation in the communities in the vicinity of installation. Since the naval station was located in a rural area, the LRA analyzed the homeless situation in two small towns (Ceiba and Naguabo). Using the most recent Puerto Rico Balance of State Continuum of Care application, the LRA determined that there was a small homeless population in these towns - 36 individuals. In addition, the LRA found that the homeless were younger and had a higher representation of women than in the rest of the Commonwealth.

As a next step the LRA, working with the HUD Field CPD Office, initiated outreach to engage the homeless assistance providers in the two communities. The LRA made a presentation at a meeting of the Coalition of Coalitions (Puerto Rico's Homeless Planning Organization) hosted by HUD in San Juan.

In addition the LRA, with HUD's assistance, hosted two workshops for homeless assistance providers and other community organizations to explain the process for homeless projects and public benefit conveyances. Within these workshops, the LRA clearly explained the distinction between a project serving the homeless and a project serving the public, i.e., a public benefit conveyance. Ensuring the community had a good understanding of the difference early in the process prevented any misunderstandings and potential grievances later in the evaluation and selection process. These workshops also included tours of the base to view available facilities and learn about any land use restraints. In the second workshop, the LRA reviewed the Notice of Interest (NOI) Process and provided a recommended format for the Notice of Interest.

The LRA received two NOIs clearly labeled as being for homeless assistance. The LRA review committee reviewed both proposals. The review committee selected a transitional housing project planning to serve 6 homeless women who are victims of domestic violence and their families proposed by a local homeless assistance agency (Casa de la Bondad). The review committee felt that this project helps fill a significant gap in the Community's continuum of care. The review and selection process went smoothly with no opposition from the broader community. After the selection process, the LRA developed and submitted their application to HUD in December of 2004.

### **Successful Outcome**

Casa de la Bondad's transitional housing project will serve 6 homeless women who are victims of domestic violence and their families. The project will occupy 6 housing units (4 BR) in the Nimitz housing complex. The LRA entered into a legally binding agreement (LBA) with Casa de la Bondad. As part of the LBA, a contingency process was established for negotiating alternative arrangements, i.e., site or compensation) if the identified site is deemed unsuitable based upon the results of an environmental review to be conducted by the Navy. The homeless service provider is currently working to

implement the program.

**Project Contact:** Michelle Smith

HUD Puerto Rico Field Office

787-766-5400, Ext. 2084

Roosevelt Roads Reuse Plan Website:

<http://www.planrooseveltroads.com/english/index.html>

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## **Key West Naval Air Station (Florida)**

### **Summary**

The Key West Naval Air Station was designated for realignment under BRAC 1995. As part of this process, the Department of the Navy identified certain parcels of land and facilities on the naval station as surplus. In 1996, the City of Key West, a small city with a population of approximately 27,000 citizens, established the Key West Local Redevelopment Authority (LRA) to develop a reuse plan for this excess property. The Key West economy is primarily oriented towards services and retail businesses which are part of its vibrant tourism industry. In addition, Key West's housing market has become increasingly dominated by outside investors and the seasonal home market. As a result, there is a recognized need for affordable housing opportunities targeted to year round residents. Finally, Key West's homeless assistance providers, through its Homeless Coalition, used the potential availability of property from the naval station consolidation to undertake a planning process of their own to determine the met and unmet needs of the homeless throughout Key West. Within this context, the LRA began the redevelopment planning process seeking to balance the economic redevelopment and housing needs of the community with the needs of the homeless.

### **Planning Process**

The LRA retained the assistance of an experienced architectural and planning firm to assist with the overall reuse plan. The LRA began the process by assessing the specific needs of the homeless in the City of Key West. Key West is a small city and a Consolidated Plan was not available from which to draw information and data. The LRA collected information and data from the Monroe County Continuum of Care and interviewed government officials and homeless assistance providers. In addition, the LRA drew from the Homeless Coalition's Plan 1999 – The Homeless Element of the Key West Comprehensive Community Plan (Plan 1999) that identified the homeless community's met and unmet needs. As a result of this analysis, the LRA estimated the homeless population in Key West to be 147 individuals, broken down between 103 individuals and 44 individuals in homeless families. It is important to note that the LRA collaborated closely with the Key West's Homeless Coalition and the Continuum of Care in this analysis of need and the estimate of the number of homeless within Key West.

In response to the advertisements for surplus properties at the naval station, thirty-five notices of interest (NOIs) including nine homeless NOIs were received by the LRA. The LRA organized an extensive citizen participation process to evaluate the NOIs and determine the proposed uses of the surplus property. The LRA retained the Florida Conflict Resolution Consortium (an independent, non-partisan, arbitration organization) to facilitate public participation meetings which included priorities forums, design charrettes and alternatives generation workshops. Homeless coalition members participated actively in every meeting of the citizen participation process. Homeless assistance providers felt

that their sustained participation within the process, i.e., attending all LRA-sponsored meetings was crucial to ensuring that the final plan effectively addressed the needs of Key West's homeless.

As a result of the extensive community process, the LRA and the community determined that the Poinciana housing site, which contained 212 units of existing military housing on *Guidebook on Military Base Reuse and Homeless Assistance* 33

36 acres, presented the best opportunity to "achieving the communities goals and objectives." The LRA's redevelopment plan for the site proposed 228 units of housing, including 50 units targeted for the homeless (i.e. 25% of the Poinciana units). The LRA felt that these 50 units targeted for homeless individuals and families proactively addressed gaps in the Continuum of Care for specific homeless sub-populations within the context of the "overriding need for affordable housing". In coming to this agreement, both the LRA and the Homeless Coalition felt that the reuse plan could not address every gap or need within the Continuum but could achieve a reasonable balance of addressing the needs of the homeless with other needs in the community, such as affordable housing and economic development.

To simplify the process and establish a clear line of responsibility and accountability for the redevelopment of the site, the City of Key West and the LRA developed a master development agreement with the Key West Housing Authority (KWH). In turn, KWH negotiated with organizations that submitted NOIs to determine which homeless assistance providers would implement the activities. This negotiation was a collaborative process with the Southernmost Homeless Assistance League (formerly known as the Homeless Coalition) identifying the agencies. Once the organizations were identified, KWH entered into legally binding agreements (sub-leases) with the seven homeless assistance providers.

### **Successful Outcome**

The Reuse Plan for surplus properties at the naval station resulted in 50 units of transitional and permanent housing targeted to specific homeless sub-populations identified by the Homeless Coalition's Plan 1999.

Below is a summary of the homeless projects created by the Key West's Base Reuse Plan:

- 10 units of transitional/short-term housing for homeless men with substance abuse issues;
- 8 units of transitional housing for homeless families;
- 18 units of transitional/permanent housing for homeless men and women with substance abuse and mental health issues;
- 10 units of transitional housing for homeless families who are victims of domestic violence; and
- 4 units of transitional housing for homeless individuals who are physically disabled.

The Poinciana Housing site is surrounded by a fairly dense residential community. At the beginning of the process, there was strong opposition to homeless projects from the surrounding community. The homeless providers countered this opposition through coordinated engagement, educating the community about the details of each proposed project and convincing them that the homeless assistance providers had the capacity and experience to be good stewards. The homeless providers engaged the community and its concerns through monthly meetings. Over time, the homeless providers addressed most if

not all community concerns. As a result, the community's opposition diminished and was transformed eventually to overall support for these homeless projects.

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In implementing these projects, the Rural Health Network (RHN) played an important leadership role coordinating the development efforts of the seven projects as well as providing technical assistance to the homeless assistance providers that had little to no development capacity or experience. The coordination of development activities amongst these projects and the provision of specialized technical assistance included:

- Environmental Considerations - The RHN collected all available environmental reports on the properties designated for the homeless projects as well as researched and accessed grant funding for lead and asbestos remediation.
- Coordination of Continuum of Care and State Funding – Recognizing that there were not enough funding resources for all the projects in one year, the RHN developed a funding plan that phased funding requests to HUD over a multi-year period.
- Technical Assistance Regarding Rehabilitation Activities – The RHN assisted several homeless assistance providers by completing rehabilitation, assisting them with funding, and retaining competent contractors. In addition, KWHHA assisted the providers by providing them with detailed cost estimates for the needed rehabilitation work.
- Infrastructure Costs - The RHN, the homeless assistance providers, the City of Key West and KWHHA worked to develop successful strategies to address infrastructure costs in turn reducing the cost to the homeless projects. In order to address sewer service and needed roadwork, a larger City replacement project was able to address the needs of the homeless projects. In terms of water connection, the projects were able to take advantage of recent upgrades accomplished by the Navy.

As a result of this balanced process, there are currently seven projects providing 50 units of transitional housing for a variety of homeless sub-populations including veterans, families, victims of domestic violence as well as homeless individuals.

**Project Contact:** Sandy Higgs

Formerly of the Rural Health Network

305-296-6227

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### **Memphis Defense Depot (Tennessee)**

#### **Summary**

The Memphis Defense Depot was closed in the 1995 BRAC round, and comprised almost 700 acres and over 130 buildings of various types (i.e. warehouses, maintenance buildings and other support buildings). The depot also included eight duplex housing units in four structures. The Memphis Defense Depot is located in an industrial section of Memphis adjacent to the local airport. The City of Memphis and Shelby County created a joint local agency named the Memphis Depot Redevelopment Agency as the Local Redevelopment Authority (LRA). The LRA's mission focused on a redevelopment plan that created economic development opportunities and replaced jobs that were lost due to the closing. The LRA clearly understood the need to identify all the



communities in the vicinity of the installation by including both the City of Memphis and Shelby County within the larger Redevelopment Plan.

### **Planning Process**

In order to effectively determine the needs of the homeless, the LRA reviewed the Consolidated Plans of both the City of Memphis and Shelby County. In this analysis, the LRA determined that the greatest need was for transitional housing serving both homeless individuals and families. Early on, the LRA made a deliberate decision to create an inclusive process reaching out to both the local homeless coalition named the Partners For the Homeless (The Partners) and the City of Memphis' Division of Housing and Community Development (DHCD). Both of these organizations played an important role in developing and refining the process to engage, assess and select homeless project(s) for inclusion within the overall Redevelopment Plan. The Partners assisted the LRA outreach to the community's homeless assistance providers. DHCD was particularly helpful in identifying and engaging the specific homeless assistance providers that had the capacity and experience to effectively implement and operate a new homeless project. Through its experience administering the HOME and CDBG programs as well as organizing the McKinney-Vento homeless funding, DHCD was well aware of the community's homeless assistance providers, their current strengths and weaknesses and each agency's capacity to implement and operate a new homeless project. The LRA felt that this detailed knowledge was especially helpful in evaluating proposals from these homeless assistance providers.

The LRA enlisted both the Partners and DHCD in drafting the formalized Request for Notices of Interest (NOIs). The Request for NOIs contained background regarding the redevelopment process at the Memphis Depot; a description of the properties made available; a description of the evaluation criteria; a description of the evaluation process and an outline of the application requirements to submit a NOI for a homeless project. Once this document was developed, the LRA advertised the solicitation by public notice *36 Guidebook on Military Base Reuse and Homeless Assistance* and sent invitations to over sixty local homeless assistance providers for a briefing and tour of the facility. Thirty-seven organizations and eight public agencies attended the briefing and tour. During the period of time that potential applicants were given to prepare their NOIs, the LRA offered the opportunity for an additional tour and consultation to interested agencies on a request basis. The LRA received six NOIs – five from local homeless assistance providers and one from the Department of Veterans' Affairs.

The LRA continued to include both the Partners and DHCD in the screening and evaluation process. A review committee from the Partners (who were not associated with any of the NOIs submitted) initially assessed and ranked each NOI based upon the established evaluation criteria recommending specific homeless projects to the LRA. The DHCD reviewed NOIs, assessing the capacity of the homeless assistance providers. The LRA then selected two homeless projects for inclusion in the Redevelopment Plan. The projects were an affordable rental housing project for eight homeless families to be operated by the Metropolitan Inter-Faith Association (MIFA) at the former officer housing (4 duplex buildings) and a specialized job training and supported work program operated by the Memphis Leadership Foundation (MLF).

The LRA entered into a legally binding agreement (LBA) with MIFA that provides for a transfer of the four duplex houses, adjacent parking and related land (6 acres). The LRA entered into a short-term, five-year lease for the selected warehouse building and adjacent land to MLF since the Redevelopment Plan calls for the building to be demolished for future development. At the time, the LRA was committed to working with the MLF to identify a more permanent site for this valuable program. After the selection process and execution of these agreements with the homeless assistance providers, the LRA developed the Homeless Assistance Plan and submitted it to HUD for approval.

After the LBA was executed, MIFA chose not move forward with the implementation of the project. The LRA quickly initiated a second solicitation using the exact same selection process, again collaborating with the Partners and DHCD. The Partners evaluated and ranked all NOIs recommending a transitional housing project for homeless veterans proposed by Alpha Omega Veterans Services. Alpha Omega proposed a transitional housing program at the site (4 duplex buildings) of the former officers housing. After independently reviewing the NOIs with DHCD, the LRA accepted the Partner's recommendation and selected Alpha Omega Veterans Services. The LRA then contacted HUD and amended their Homeless Assistance Plan and executed an LBA with Alpha Omega Veterans Services.

In the implementation stage, the LRA continued to work collaboratively with Alpha Omega identifying funding to create a separate entrance to the transitional housing program and provide a fence around the 6-acre property. The LRA facilitated the hookups with the utility companies, but Alpha Omega was responsible for the cost.

### **Successful Outcome**

Alpha Omega Veterans Services currently provides eight units of specialized transitional housing for homeless veterans. Through private fundraising efforts, the agency was able to cover all project startup costs to include utility hookups and minor renovations. Alpha Omega's Board of Director was actively involved throughout the acquisition and

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implementation process. The Memphis Leadership Foundation continues to offer the specialized job training and supported work program producing wooden pallets for commercial use by private companies at the Memphis Depot. Working collaboratively with the LRA and its Board of Directors, the MLF was able to find a permanent home for the training program at the Memphis Depot entering into a reasonable long-term lease with a private industrial company that had some extra space. These homeless assistance providers did not experience any opposition from the surrounding community due to the small scale of the projects and the fact that the projects were naturally buffered by the industrial nature of the larger site.

### **Project Contacts:**

Jim Covington

President, Memphis Depot

1-901-942-4939

Cordell Walker

Executive Director, Alpha Omega Veterans Services

901-726-5678

### **Memphis Depot Website:**

<http://www.memphisdepot.net>

## **Alpha Omega Veterans Services Website:**

<http://www.aovs.org>

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# Appendix 1: HUD Contacts

## **HUD Headquarters:**

U.S. Department of Housing and Urban Development

Office of Special Needs Assistance Programs

BRAC Coordinator

451 Seventh Street, SW, Room 7266

Washington, DC 20410

## **HUD CPD Field Offices:**

All CPD field offices are listed here for reference. LRAs should contact the field office closest to the affected installation. Local HUD Field office information is also available on the HUD Website at: <http://offices/cpd/about/staff/fodirectors/index.cfm>.

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# Appendix 2: HUD Funding for Homeless Assistance Programs

HUD currently administers three primary competitive programs that provide assistance to help fill gaps in the local Continuum of Care system. Each year, HUD awards funding for these programs through a single competitive application process. For example, in FY 2005, HUD awarded over \$1.1 billion among these three programs for Continuum of Care systems. In FY 2006, HUD is expecting to award approximately \$1.2 billion. A brief description of each competitive program follows. For more information on how to apply for each, contact the local HUD Field Office listed in Appendix 1. The HUD CPD Field Office can also explain how the four HUD formula programs (CDBG, HOME, HOPWA, and ESG) can be used to fund homeless housing and service programs.

## **Supportive Housing Program (SHP)**

**Program.** The Supportive Housing Program is designed to promote the development of supportive housing and supportive services, including innovative approaches assisting homeless persons in the transition from homelessness and enabling them to live as independently as possible. SHP funds may be used to provide transitional housing, permanent housing for persons with disabilities, and supportive services.

**Eligible applicants.** States, units of general local government, public housing agencies, private nonprofit organizations, and community mental health centers that are public nonprofit organizations are eligible to apply.

**Eligible activities.** Grantees may use SHP funds to acquire, rehabilitate, or construct structures for use as supportive housing or in providing supportive services; to lease structures for use as supportive housing or providing supportive services; to provide operating costs for supportive housing; and/or to provide supportive services.

## **Shelter Plus Care Program (S+C)**

**Program.** The purpose of the Shelter Plus Care program is to provide rental assistance for hard-to-serve homeless persons with disabilities in connection with supportive services funded from sources other than this program. Assistance is targeted primarily to homeless persons who are severely mentally ill; have chronic problems with alcohol, drugs, or both; or have AIDS or related diseases.

**Eligible applicants.** States, units of general local government, and public housing agencies may apply.

**Eligible activities.** The Shelter Plus Care program provides rental assistance through four *44 Guidebook on Military Base Reuse and Homeless Assistance*

components: tenant-based rental assistance, sponsor-based rental assistance, project-based rental assistance, and rental assistance in connection with the moderate rehabilitation of single-room-occupancy units. Applicants may request assistance for any component.

### **Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program**

**Program.** The purpose of the SRO Program is to provide rental assistance to homeless individuals in connection with the moderate rehabilitation of SRO dwellings. Resources to fund the cost of rehabilitating the dwellings must be from other sources. However, the rental assistance covers operating expenses of the SRO housing, including debt service for rehabilitation financing, provided that the monthly rental assistance per unit does not exceed the moderate rehabilitation fair market rent for an SRO unit, as established by HUD.

**Eligible applicants.** Private nonprofit organizations and public housing agencies are eligible to apply.

**Eligible activities.** SRO assistance may be used only for rental assistance and for administering the rental assistance program.

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## **McKinney-Vento Definition of "Homeless"**

**Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (Title X, Part C, of the No Child Left Behind Act) defines "homeless" as follows:**

The term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes--

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

 Read the [full text](#) (77K) of the McKinney-Vento Homeless Assistance Act.

For more information on determining homelessness, visit [Determining Eligibility for Services Under McKinney-Vento](#).

## McKINNEY-VENTO 2001—LAW INTO PRACTICE

*The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.*

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### Key Provisions

- ☐ The term “homeless” is broadly defined by the McKinney-Vento Act’s Education for Homeless Children and Youth Program, as quoted at left.
- ☐ The term “unaccompanied youth” includes youth in homeless situations who are not in the physical custody of a parent or guardian.
- ☐ Preschool children, migrant children, and youth whose parents will not permit them to live at home or who have run away from home (even if their parents are willing to have them return home) are considered homeless if they fit the definition.

Homelessness is a lack of permanent housing resulting from extreme poverty, or, in the case of unaccompanied youth, the lack of a safe and stable living environment. Over 1.35 million children and youth experience homelessness in a year.

1 Families are the fastest-growing segment of the homeless population in the United States, accounting for approximately 40 percent of those in homeless situations.

2 Two trends are largely responsible for the rise in family homelessness over the past 15–20 years: a growing shortage of affordable rental housing and a simultaneous increase in poverty. There is an increasing gap between income and housing costs for low-income individuals. For example, a minimum-wage worker cannot afford the Fair Market Rent for housing in any jurisdiction in the United States.

3 Yet, despite the obvious need, the supply of affordable housing continues to dwindle. Between 1997 and 1999, there was a net loss of more than 300,000 housing units affordable to households with low incomes.

4 The shortfall in affordable housing for the very poorest households now stands at 3.3 million housing units. The lack of affordable housing has resulted in an increase in the number of people who become homeless. A survey of 27 U.S. cities found that requests for emergency shelter increased by an average of

13 percent in 2001; requests for shelter by homeless families alone increased by 22 percent.

5 The primary causes of homelessness among unaccompanied youth are physical and sexual abuse by a parent or guardian, neglect, parental substance abuse, and family conflict. Children and youth in homeless situations often do not fit society's stereotypical images. For example, many children who are homeless are very young; in fact, over 40 percent of children living in homeless shelters are under the age of five.

6 In addition, emergency shelters in urban areas cannot meet the rising need for temporary housing, turning away 52 percent of all requests or emergency shelter by families. Rural areas often have no shelters at all.

7 Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at [www.serve.org/nche](http://www.serve.org/nche). For further information on the McKinney-Vento Act and resources for implementation, call the NCHE Help Line at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).

Local contact information:

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As a result of the lack of shelter, most students in homeless situations share housing with friends or relatives, stay in motels or other temporary facilities, or live on the streets, in abandoned cars, and in woods and campgrounds. Of the children and youth identified as homeless by State Departments of Education in FY2000, only 35 percent lived in shelters, 34 percent lived doubled-up with family or friends, and 23 percent lived in motels and other locations.<sup>8</sup> Yet, these children and youth may not immediately be recognized as homeless and are sometimes denied the protections and services of the McKinney-Vento Act. Therefore, the Act now contains a specific definition of homelessness that includes a broad array of inadequate living situations. This definition can help educators, families, and youth understand who is entitled to the Act's protections.

The issue brief entitled "Identifying Students in Homeless Situations" provides strategies to locate and serve children and youth living in a variety of homeless situations. Consult other issue briefs in this series for legal provisions and implementation strategies to ensure children and youth in homeless situations can select their school, enroll in school immediately, access transportation services, have disputes resolved quickly, and access Title services.

### **Endnotes**

*All definitions are contained, exactly as written here, in McKinney-Vento Act Sec. 725(2); 42 U.S.C. 11435(2).*

*“Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.... Throwaway children or youth (i.e. those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations.” U.S. Department of Education Preliminary Guidance for the Education for Homeless Children and Youth Program, Title VII, Subtitle B (June 1995), 22-3.*  
*Footnotes*

#### **§ 585.504 24 CFR Ch. V (4-1-05 Edition)**

#### **PART 586—REVITALIZING BASE CLOSURE COMMUNITIES AND COMMUNITY ASSISTANCE— COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE**

**Sec.**

586.1 Purpose.

586.5 Definitions.

586.10 Applicability.

586.15 Waivers and extensions of deadlines.

586.20 Overview of the process.

586.25 HUD’s negotiations and consultations with the LRA.

586.30 LRA application.

586.35 HUD’s review of the application.

586.40 Adverse determinations.

586.45 Disposal of buildings and property.

**AUTHORITY:** 10 U.S.C. 2687 *note*; 42 U.S.C. 3535(d).

**SOURCE:** 62 FR 37479, July 11, 1997, unless otherwise noted.

#### **§ 586.1 Purpose.**



This part implements the Base Closure Community Redevelopment and Homeless Assistance Act, as amended (10 U.S.C. 2687 *note*), which instituted a new community-based process for addressing the needs of the homeless at base closure and realignment sites. In this process, Local Redevelopment Authorities (LRAs) identify interest from homeless providers in installation property and develop a redevelopment plan for the installation that balances the economic redevelopment and other development needs of the communities in the vicinity of the installation with the needs of the homeless in those communities. The Department of Housing and Urban Development (HUD) reviews

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**Ofc. of Asst. Secy., Comm. Planning, Develop., HUD § 586.5**

the LRA's plan to see that an appropriate balance is achieved. This part also implements the process for identifying interest from State and local entities for property under a public benefit transfer. The LRA is responsible for concurrently identifying interest from homeless providers and State and local entities interested in property under a public benefit transfer.

**§ 586.5 Definitions.**

As used in this part:

*CERCLA*. Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*). *Communities in the vicinity of the installation*. The communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the LRA for the installation. If no LRA is formed at the local level, and the State is serving in that capacity, the communities in the vicinity of the installation are deemed to be those political jurisdiction(s) (other than the State) in which the installation is located. *Consolidated Plan*. The plan prepared in accordance with the requirements of 24 CFR part 91.

*Continuum of care system.*

(1) A comprehensive homeless assistance system that includes:

- (i) A system of outreach and assessment for determining the needs and condition of an individual or family who is homeless, or whether assistance is necessary to prevent an individual or family from becoming homeless;
- (ii) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;
- (iii) Transitional housing with appropriate supportive services to help those

homeless individuals and families who are not prepared to make the transition to independent living;

(iv) Housing with or without supportive services that has no established limitation on the amount of time of residence to help meet long-term needs of homeless individuals and families; and

(v) Any other activity that clearly meets an identified need of the homeless and fills a gap in the continuum of care.

(2) Supportive services are services that enable homeless persons and families to move through the continuum of care toward independent living. These services include, but are not limited to, case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlements, and referral to veterans services and legal services. *Day*. One calendar day including weekends and holidays.

*DoD*. Department of Defense.

*HHS*. Department of Health and Human Services.

*Homeless person*. (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual or family who has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill); (ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(3) This term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

*HUD*. Department of Housing and Urban Development. *Installation*. A base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of DoD, including any leased facility, that is approved for closure or realignment under the Base Closure and Realignment Act of 1988 (Pub. L. 100-526), as amended, or the Defense Base Closure and Realignment Act of 1990 (Pub. L. 101-510), as amended (both at 10 U.S.C. 2687, *note*).

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**§ 586.10 24 CFR Ch. V (4-1-05 Edition)**

*Local redevelopment authority (LRA)*.

Any authority or instrumentality established by State or local government and recognized by the Secretary of Defense, through the Office of Economic Adjustment, as the entity responsible for developing the redevelopment plan with respect to the installation or for directing implementation of the plan.

*NEPA.* National Environmental Policy Act of 1969 (42 U.S.C. 4320).

*OEA.* Office of Economic Adjustment, Department of Defense.

*Private nonprofit organization.* An organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; that has a voluntary board; that has an accounting system or has designated an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting procedures; and that practices nondiscrimination in the provision of assistance.

*Public benefit transfer.* The transfer of surplus military property for a specified public purpose at up to a 100 percent discount in accordance with 40 U.S.C. 471 *et seq.*, or 49 U.S.C. 47151– 47153.

*Redevelopment plan.*

A plan that is agreed to by the LRA with respect to the installation and provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

*Representative(s) of the homeless.*

A State or local government agency or private nonprofit organization, including a homeless assistance planning board, that provides or proposes to provide services to the homeless.

*Substantially equivalent.*

Property that is functionally suitable to substitute for property referred to in an approved Title V application. For example, if the representative of the homeless had an approved Title V application for a building that would accommodate 100 homeless persons in an emergency shelter, the replacement facility would also have to accommodate 100 at a comparable cost for renovation.

*Substantially equivalent funding.*

Sufficient funding to acquire a substantially equivalent facility.

*Surplus property.*

Any excess property not required for the needs and the discharge of the responsibilities of all Federal Agencies. Authority to make this determination, after screening with all Federal Agencies, rests with the Military Departments.

*Title V.*

Title V of the Stewart B. McKinney Homeless Assistance Act of 1987 (42 U.S.C. 11411) as amended by the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160).

*Urban county.*

A county within a metropolitan area as defined at 24 CFR 570.3.

## **§ 586.10 Applicability.**

(a) *General.* This part applies to all installations that are approved for closure/realignment by the President and Congress under Pub. L. 101–510 after October 25, 1994.

(b) *Request for inclusion under this process.* This part also applies to installations that were approved for closure/realignment under either Public

Law 100-526 or Public Law 101-510 prior to October 25, 1994 and for which an LRA submitted a request for inclusion under this part to DoD by December 24, 1994. A list of such requests was published in the FEDERAL REGISTER on May 30, 1995 (60 FR 28089).

(1) For installations with Title V applications pending but not approved before October 25, 1994, the LRA shall consider and specifically address any application for use of buildings and property to assist the homeless that were received by HHS prior to October 25, 1994, and were pending with the Secretary of HHS on that date. These pending requests shall be addressed in the LRA's homeless assistance submission.

(2) For installations with Title V applications approved before October 25, 1994 where there is an approved Title V application, but property has not been assigned or otherwise disposed of by the Military Department, the LRA must ensure that its homeless assistance submission provides the Title V applicant with: (i) The property requested;

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(ii) Properties, on or off the installation, that are substantially equivalent to those requested; (iii) Sufficient funding to acquire such substantially equivalent properties; (iv) Services and activities that meet the needs identified in the application; or (v) A combination of the properties, funding, and services and activities described in § 586.10(b)(2)(i) through (iv).

(c) *Revised Title V process.* All other installations approved for closure or realignment under either Public Law 100-526 or Public Law 101-510 prior to October 25, 1994, for which there was no request for consideration under this part, are covered by the process stipulated under Title V. Buildings or property that were transferred or leased for homeless use under Title V prior to October 25, 1994, may not be reconsidered under this part.

**§ 586.15 Waivers and extensions of deadlines.**

(a) After consultation with the LRA and HUD, and upon a finding that it is in the interest of the communities affected by the closure/realignment of the installation, DoD, through the Director of the Office of Economic Adjustment, may extend or postpone any deadline contained in this part.

(b) Upon completion of a determination and finding of good cause, and except for deadlines and actions required on the part of DoD, HUD may waive any provision of §§ 586.20 through 586.45 in any particular case, subject only to statutory limitations.

**§ 586.20 Overview of the process.**

(a) *Recognition of the LRA.* As soon as practicable after the list of installations recommended for closure or realignment is approved, DoD, through OEA, will recognize an LRA for the installation. Upon recognition, OEA shall publish the name, address, and point of contact for the LRA in the FEDERAL REGISTER and in a newspaper of general circulation in the communities in the

vicinity of the installation.

*(b) Responsibilities of the Military Department.*

The Military Department shall make installation properties available to other DoD components and Federal agencies in accordance with the procedures set out at 32 CFR part 175. The Military Department will keep the LRA informed of other Federal interest in the property during this process. Upon completion of this process the Military Department will notify HUD and either the LRA, or the Chief Executive Officer of the State, as appropriate, and publish a list of surplus property on the installation that will be available for reuse in the FEDERAL REGISTER and a newspaper of general circulation in the communities in the vicinity of the installation.

*(c) Responsibilities of the LRA.*

The LRA should begin to conduct outreach efforts with respect to the installation as soon as is practicable after the date of approval of closure/realignment of the installation. The local reuse planning process must begin no later than the date of the Military Department's FEDERAL REGISTER publication of available property described at § 586.20(b). For those installations that began the process described in this part prior to August 17, 1995, HUD will, on a case by case basis, determine whether the statutory requirements have been fulfilled and whether any additional requirements listed in this part should be required. Upon the FEDERAL REGISTER publication described in § 56.20(b), the LRA shall:

(1) Publish, within 30 days, in a newspaper of general circulation in the communities in the vicinity of the installation, the time period during which the LRA will receive notices of interest from State and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone number and the point of contact for the LRA who can provide information on the prescribed form and contents of the notices of interest. The LRA shall notify DoD of the deadline specified for receipt of notices of interest. LRAs are strongly encouraged to make this publication as soon as possible within the permissible 30 day period in order to expedite the closure process.

(i) In addition, the LRA has the option to conduct an informal solicitation of notices of interest from public and non-profit entities interested in

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obtaining property via a public benefit transfer other than a homeless assistance conveyance under either 40 U.S.C. 471 *et seq.*, or 49 U.S.C. 47151-47153. As part of such a solicitation, the LRA may wish to request that interested entities submit a description of the proposed use to the LRA and the sponsoring Federal agency.

(ii) For all installations selected for closure or realignment prior to 1995 that elected to proceed under Public Law 103-421, the LRA shall accept notices

of interest for not less than 30 days.

(iii) For installations selected for closure or realignment in 1995 or thereafter, notices of interest shall be accepted for a minimum of 90 days and not more than 180 days after the LRA's publication under § 586.20(c)(1).

(2) Prescribe the form and contents of notices of interest.

(i) The LRA may not release to the public any information regarding the capacity of the representative of the homeless to carry out its program, a description of the organization, or its financial plan for implementing the program, without the consent of the representative of the homeless concerned, unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located. The identity of the representative of the homeless may be disclosed.

(ii) The notices of interest from representatives of the homeless must include:

(A) A description of the homeless assistance program proposed, including the purposes to which the property or facility will be put, which may include uses such as supportive services, job and skills training, employment programs, shelters, transitional housing or housing with no established limitation on the amount of time of residence, food and clothing banks, treatment facilities, or any other activity which clearly meets an identified need of the homeless and fills a gap in the continuum of care;

(B) A description of the need for the program;

(C) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation;

(D) Information about the physical requirements necessary to carry out the program including a description of the buildings and property at the installation that are necessary to carry out the program;

(E) A description of the financial plan, the organization, and the organizational capacity of the representative of the homeless to carry out the program; and

(F) An assessment of the time required to start carrying out the program.

(iii) The notices of interest from entities other than representatives of the homeless should specify the name of the entity and specific interest in property or facilities along with a description of the planned use.

(3) In addition to the notice required under § 586.20(c)(1), undertake outreach efforts to representatives of the homeless by contacting local government officials and other persons or entities that may be interested in assisting the homeless within the vicinity of the installation. (i) The LRA may invite persons and organizations identified on the HUD list of representatives of the homeless and any other representatives of the homeless with which the LRA is familiar, operating in the vicinity of the installation, to the workshop described in § 586.20(c)(3)(ii).

(ii) The LRA, in coordination with the Military Department and HUD, shall conduct at least one workshop where representatives of the homeless have an opportunity to:

(A) Learn about the closure/realignment and disposal process;

- (B) Tour the buildings and properties available either on or off the installation;
  - (C) Learn about the LRA's process and schedule for receiving notices of interest as guided by § 586.20(c)(2); and
  - (D) Learn about any known land use constraints affecting the available property and buildings.
- (iii) The LRA should meet with representatives of the homeless that express interest in discussing possible uses for these properties to alleviate gaps in the continuum of care.

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(4) Consider various properties in response to the notices of interest. The LRA may consider property that is located off the installation.

(5) Develop an application, including the redevelopment plan and homeless assistance submission, explaining how the LRA proposes to address the needs of the homeless. This application shall consider the notices of interest received from State and local governments, representatives of the homeless, and other interested parties. This shall include, but not be limited to, entities eligible for public benefit transfers under either 40 U.S.C. 471 *et seq.*, or 49 U.S.C. 47151–47153; representatives of the homeless; commercial, industrial, and residential development interests; and other interests. From the deadline date for receipt of notices of interest described at § 586.20(c)(1), the LRA shall have 270 days to complete and submit the LRA application to the appropriate Military Department and HUD. The application requirements are described at § 586.30.

(6) Make the draft application available to the public for review and comment periodically during the process of developing the application. The LRA must conduct at least one public hearing on the application prior to its submission to HUD and the appropriate Military Department. A summary of the public comments received during the process of developing the application shall be included in the application when it is submitted. (d) *Public benefit transfer screening.* The LRA should, while conducting its outreach efforts, work with the Federal agencies that sponsor public benefit transfers under either 40 U.S.C. 471 *et seq.* or 49 U.S.C. 47151–47153. Those agencies can provide a list of parties in the vicinity of the installation that might be interested in and eligible for public benefit transfers. The LRA should make a reasonable effort to inform such parties of the availability of the property and incorporate their interests within the planning process. Actual recipients of property are to be determined by the sponsoring Federal agency. The Military Departments shall notify sponsoring Federal agencies about property that is available based on the community redevelopment plan and keep the LRA apprised of any expressions of interest. Such expressions of interest are not required to be incorporated into the redevelopment plan, but must be considered.

**§ 586.25 HUD's negotiations and consultations with the LRA.**

HUD may negotiate and consult with the LRA before and during the course

of preparation of the LRA's application and during HUD's review thereof with a view toward avoiding any preliminary determination that the application does not meet any requirement of this part. LRAs are encouraged to contact HUD for a list of persons and organizations that are representatives of the homeless operating in the vicinity of the installation.

**§ 586.30 LRA application.**

(a) *Redevelopment plan.* A copy of the redevelopment plan shall be part of the application.

(b) *Homeless assistance submission.*

This component of the application shall include the following:

(1) Information about homelessness in the communities in the vicinity of the installation.

(i) A list of all the political jurisdictions which comprise the LRA.

(ii) A description of the unmet need in the continuum of care system within each political jurisdiction, which should include information about any gaps that exist in the continuum of care for particular homeless subpopulations.

The source for this information shall depend upon the size and nature of the political jurisdiction(s) that comprise the LRA. LRAs representing:

(A) Political jurisdictions that are required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table (table 1), Priority Homeless Needs Assessment Table (table 2), and narrative description thereof from that Consolidated Plan, including the inventory of facilities and services that assist the homeless in the jurisdiction. (B) Political jurisdictions that are part of an urban county that is required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table

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(table 1), Priority Homeless Needs Assessment Table (table 2), and narrative description thereof from that Consolidated Plan, including the inventory of facilities and services that assist the homeless in the jurisdiction. In addition, the LRA shall explain what portion of the homeless population and subpopulations described in the Consolidated Plan are attributable to the political jurisdiction it represents.

(C) A political jurisdiction not described by §586.30(b)(1)(ii)(A) or § 86.30(b)(1)(ii)(B) shall submit a narrative description of what it perceives to be the homeless population within the jurisdiction and a brief inventory of the facilities and services that assist homeless persons and families within the jurisdiction. LRAs that represent these jurisdictions are not required to conduct surveys of the homeless population.

(2) Notices of interest proposing assistance to homeless persons and/or families. (i) A description of the proposed activities to be carried out on or off the installation and a discussion of how these activities meet a portion or all of



the needs of the homeless by addressing the gaps in the continuum of care. The activities need not be limited to expressions of interest in property, but may also include discussions of how economic redevelopment may benefit the homeless; (ii) A copy of each notice of interest from representatives of the homeless for use of buildings and property and a description of the manner in which the LRA's application addresses the need expressed in each notice of interest. If the LRA determines that a particular notice of interest should not be awarded property, an explanation of why the LRA determined not to support that notice of interest, the reasons for which may include the impact of the program contained in the notice of interest on the community as described in § 586.30(b)(2)(iii); and (iii) A description of the impact that the implemented redevelopment plan will have on the community. This shall include information on how the LRA's redevelopment plan might impact the character of existing neighborhoods adjacent to the properties proposed to be used to assist the homeless and should discuss alternative plans. Impact on schools, social services, transportation, infrastructure, and concentration of minorities and/or low income persons shall also be discussed. (3) Legally binding agreements for buildings, property, funding, and/or services. (i) A copy of the legally binding agreements that the LRA proposes to enter into with the representative(s) of the homeless selected by the LRA to implement homeless programs that fill gaps in the existing continuum of care. The legally binding agreements shall provide for a process for negotiating alternative arrangements in the event that an environmental analysis conducted under § 586.45(b) indicates that any property identified for transfer in the agreement is not suitable for the intended purpose. Where the balance determined in accordance with § 586.30(b)(4) provides for the use of installation property as a homeless assistance facility, legally binding agreements must provide for the reversion or transfer, either to the LRA or to another entity or entities, of the buildings and property in the event they cease to be used for the homeless. In cases where the balance proposed by the LRA does not include the use of buildings or property on the installation, the legally binding agreements need not be tied to the use of specific real property and need not include a reverter clause. Legally binding agreements shall be accompanied by a legal opinion of the chief legal advisor of the LRA or political jurisdiction or jurisdictions which will be executing the legally binding agreements that the legally binding agreements, when executed, will constitute legal, valid, binding, and enforceable obligations on the parties thereto; (ii) A description of how buildings, property, funding, and/or services either on or off the installation will be used to fill some of the gaps in the current continuum of care system and an explanation of the suitability of the buildings and property for that use; and (iii) Information on the availability of general services such as transportation, police, and fire protection, and a discussion of infrastructure such as water, sewer, and electricity in the vicinity of the proposed homeless activity at the installation. (4) An assessment of the balance with economic and other development needs.

- (i) An assessment of the manner in which the application balances the expressed needs of the homeless and the needs of the communities comprising the LRA for economic redevelopment and other development; and
- (ii) An explanation of how the LRA's application is consistent with the appropriate Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the jurisdictions in the vicinity of the installation.

(5) A description of the outreach undertaken by the LRA. The LRA shall explain how the outreach requirements described at §586.20(c)(1) and § 586.20(c)(3) have been fulfilled. This explanation shall include a list of the representatives of the homeless the LRA contacted during the outreach process. (c) *Public comments*. The LRA application shall include the materials described at § 586.20(c)(6). These materials shall be prefaced with an overview of the citizen participation process observed in preparing the application.

**§ 586.35 HUD's review of the application.**

(a) *Timing*. HUD shall complete a review of each application no later than 60 days after its receipt of a completed application.

(b) *Standards of review*. The purpose of the review is to determine whether the application is complete and, with respect to the expressed interest and requests of representatives of the homeless, whether the application:

(1) *Need*. Takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the application for use and needs of the homeless in such communities. HUD will take into consideration the size and nature of the installation in reviewing the needs of the homeless population in the communities in the vicinity of the installation.

(2) *Impact of notices of interest*. Takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation, including:

(i) Whether the plan is feasible in light of demands that would be placed on available social services, police and fire protection, and infrastructure in the community; and, (ii) Whether the selected notices of interest are consistent with the Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the political jurisdictions in the vicinity of the installation.

(3) *Legally binding agreements*. Specifies the manner in which the buildings, property, funding, and/or services on or off the installation will be made available for homeless assistance purposes. HUD will review each legally binding agreement to verify that: (i) They include all the documents legally required to complete the transactions necessary to realize the homeless use(s) described in the application; (ii) They include all appropriate terms and conditions; (iii) They address the full range of contingencies including those

described at § 586.30(b)(3)(i); (iv) They stipulate that the buildings, property, funding, and/or services will be made available to the representatives of the homeless in a timely fashion; and (v) They are accompanied by a legal opinion of the chief legal advisor of the LRA or political jurisdiction or jurisdictions which will be executing the legally binding agreements that the legally binding agreements will, when executed, constitute legal, valid, binding, and enforceable obligations on the parties thereto.

(4) *Balance*. Balances in an appropriate manner a portion or all of the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities.

(5) *Outreach*. Was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation and whether the outreach requirements described at §586.20(c)(1) and § 586.20(c)(3) have been fulfilled by the LRA.

(c) *Notice of determination*. (1) HUD shall, no later than the 60th day after its receipt of the application, unless such deadline is extended pursuant to § 586.15(a), send written notification both to DoD and the LRA of its preliminary determination that the application meets or fails to meet the requirements of § 586.35(b). If the application fails to meet the requirements, HUD will send the LRA: (i) A summary of the deficiencies in the application; (ii) An explanation of the determination; and (iii) A statement of how the LRA must address the determinations. (2) In the event that no application is submitted and no extension is requested as of the deadline specified in § 586.20(c)(5), and the State does not accept within 30 days a DoD written request to become recognized as the LRA, the absence of such application will trigger an adverse determination by HUD effective on the date of the lapsed deadline. Under these conditions, HUD will follow the process described at § 586.40.

(d) *Opportunity to cure*. (1) The LRA shall have 90 days from its receipt of the notice of preliminary determination under § 586.35(c)(1) within which to submit to HUD and DoD a revised application which addresses the determinations listed in the notice. Failure to submit a revised application shall result in a final determination, effective 90 days from the LRA's receipt of the preliminary determination, that the redevelopment plan fails to meet the requirements of § 586.35(b). (2) HUD shall, within 30 days of its receipt of the LRA's resubmission, send written notification of its final determination of whether the application meets the requirements of § 586.35(b) to both DOD and the LRA.

#### **§ 586.40 Adverse determinations.**

(a) *Review and consultation*. If the resubmission fails to meet the requirements of § 586.35(b), or if no resubmission is received, HUD will review the original application, including the notices of interest submitted by representatives of

the homeless. In addition, in such instances or when no original application has been submitted, HUD:

- (1) Shall consult with the representatives of the homeless, if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;
- (2) May consult with the applicable Military Department regarding the suitability of the buildings and property at the installation for use to assist the homeless; and
- (3) May consult with representatives of the homeless and other parties as necessary.

(b) *Notice of decision.* (1) Within 90 days of receipt of an LRA's revised application which HUD determines does not meet the requirements of § 586.35(b), HUD shall, based upon its reviews and consultations under § 586.40(a): (i) Notify DoD and the LRA of the buildings and property at the installation that HUD determines are suitable for use to assist the homeless; and (ii) Notify DoD and the LRA of the extent to which the revised redevelopment plan meets the criteria set forth in § 586.35(b).

(2) In the event that an LRA does not submit a revised redevelopment plan under § 586.35(d), HUD shall, based upon its reviews and consultations under § 586.40(a), notify DoD and the LRA of the buildings and property at the installation that HUD determines are suitable for use to assist the homeless, either (i) Within 190 days after HUD sends its notice of preliminary adverse determination under § 586.35(c)(1), if an LRA has not submitted a revised redevelopment plan; or (ii) Within 390 days after the Military Department's FEDERAL REGISTER publication of available property under § 586.20(b), if no redevelopment plan has been received and no extension has been approved.

#### **§ 586.45 Disposal of buildings and property.**

(a) *Public benefit transfer screening.* Not later than the LRA's submission of its redevelopment plan to DoD and HUD, the Military Department will conduct an official public benefit transfer screening in accordance with the Federal Property Management Regulations (41 CFR part 101-47.303-2) based upon the uses identified in the redevelopment plan. Federal sponsoring agencies shall notify eligible applicants that any request for property must be consistent with the uses identified in the redevelopment plan. At the request of the LRA, the Military Department may conduct the official State and local public benefit screening at any time after the publication of available property described at § 586.20(b).

(b) *Environmental analysis.* Prior to disposal of any real property, the Military Department shall, consistent with NEPA and section 2905 of the Defense Base Closure and Realignment Act of 1990, as amended (10 U.S.C. 2687 *note*), complete an environmental impact analysis of all reasonable disposal alternatives. The Military Department shall consult with the LRA throughout the environmental impact analysis process to ensure both that the LRA is provided the most current environmental information available concerning

the installation, and that the Military Department receives the most current information available concerning the LRA's redevelopment plans for the installation.

(c) *Disposal*. Upon receipt of a notice of approval of an application from HUD under § 586.35(c)(1) or § 586.35(d)(2), DoD shall dispose of buildings and property in accordance with the record of decision or other decision document prepared under § 586.45(b). Disposal of buildings and property to be used as homeless assistance facilities shall be to either the LRA or directly to the representative(s) of the homeless and shall be without consideration. Upon receipt of a notice from HUD under § 586.40(b), DoD will dispose of the buildings and property at the installation in consultation with HUD and the LRA.

(d) *LRA's responsibility*. The LRA shall be responsible for the implementation of and compliance with legally binding agreements under the application.

(e) *Reversions to the LRA*. If a building or property reverts to the LRA under a legally binding agreement under the application, the LRA shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. An LRA may not be required to utilize the building or property to assist the homeless.

## **PART 590—URBAN HOMESTEADING**

Sec.

590.1 General.

590.3 [Reserved]

590.5 Definitions.

590.7 Program requirements.

590.9–590.18 [Reserved]

590.19 Use of section 810 funds.

590.21 [Reserved]

590.23 Program close-out.

590.25 Retention of records.

590.27 Audit.

590.29 HUD review of LUHA performance.

590.31 Corrective and remedial action.

AUTHORITY: 12 U.S.C. 1706e; 42 U.S.C.

3535(d).

SOURCE: 54 FR 23937, June 2, 1989, unless otherwise noted.

### **§ 590.1 General.**

This part applies to the completion of activities remaining under the Urban Homesteading Program authorized under section 810(b) of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e). Authority to reimburse Federal agencies for transfer of additional properties to LUHAs under this part was repealed effective October 1, 1991. [61 FR 7062, Feb. 23, 1996]